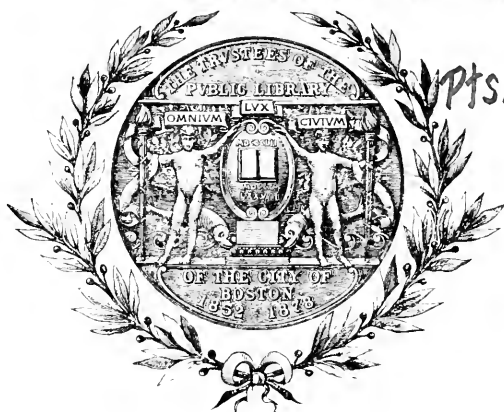


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Part 4 *Stat*

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
SAN FRANCISCO AREA—Part 4

HEARING
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-THIRD CONGRESS
FIRST SESSION

DECEMBER 4, 1953

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE SAN FRANCISCO AREA—PART 4

FRIDAY, DECEMBER 4, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
San Francisco, Calif.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to adjournment, at 9:30 a. m., in the hearing room of the board of supervisors, city hall, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Donald L. Jackson, Gordon H. Scherer, and Clyde Doyle.

Staff Members present: Robert L. Kunzig and Frank S. Tavenner, Jr., counsel; William A. Wheeler and W. Jackson Jones, investigators; and Juliette P. Joray, acting clerk.

Mr. VELDE. The committee will be in order. The Chair yields to the gentleman from California, Mr. Jackson.

Mr. JACKSON. Mr. Chairman, in accordance with rule 10 of the rules of procedure for the House Committee on Un-American Activities, House of Representatives, a telegram was dispatched on yesterday to Representative Robert Condon, extending to him the opportunity to appear before the committee if he so desires. This is in accordance with the standard procedure of the committee in notifying any individual who is adversely named during an open hearing of the committee as Communist, Fascist, or a member of a subversive organization, and offering the same forum in which the allegation was made for the purpose of affirming or denying any statement which might reflect upon an individual's character.

Mr. VELDE. Mr. Counsel, do you have a witness?

Mr. KUNZIG. Yes, Mr. Chairman. Kathleen Griffin Hee.

Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HEE. I do.

Mr. VELDE. Let the record show that for the purposes of this hearing I have set up a subcommittee consisting of Mr. Donald Jackson, Mr. Gordon Scherer, Mr. Clyde Doyle, and myself, as chairman, for the purpose of this hearing.

**TESTIMONY OF KATHLEEN GRIFFIN HEE, ACCOMPANIED BY HER
COUNSEL, MORGAN V. SPIECER**

Mr. KUNZIG. Will you state your full name, please, for the record?
Mrs. HEE. Kathleen Griffin Hee.

Mr. KUNZIG. I note that you are accompanied by counsel. Would counsel kindly state his name and address for the record?

Mr. SPIECER. Morgan V. Spiecer.

Mr. KUNZIG. Your address, sir?

Mr. SPIECER. San Francisco, office address.

Mr. KUNZIG. Mrs. Hee, when and where were you born?

Mrs. HEE. I was born in Vancouver, British Columbia, Canada, in 1911.

Mr. KUNZIG. Are you presently a citizen of the United States?

Mrs. HEE. Yes, I am.

Mr. KUNZIG. When and where were you naturalized?

Mrs. HEE. I became American citizen through the naturalization of my father while I was still a minor.

Mr. KUNZIG. When was that, do you know? When your father became a citizen?

Mrs. HEE. My father was naturalized in 1940.

Mr. KUNZIG. What is your present address, please, Mrs. Hee?

Mrs. HEE. I live in Berkeley.

Mr. KUNZIG. What address?

Mrs. HEE. 2464 Prince Street.

Mr. KUNZIG. And your present employment, if you are employed?

Mrs. HEE. I am a waitress.

Mr. KUNZIG. Where?

Mrs. HEE. At the Clairmont Hotel.

Mr. KUNZIG. Mrs. Hee, yesterday you were named in sworn testimony before this committee as having been a member of the Political Affairs Committee of the Communist Party of Alameda County. Would you please affirm or deny that statement?

Mrs. HEE. I didn't hear the testimony of yesterday's session.

Mr. KUNZIG. Then I shall ask you in a different way; have you ever been a member of the Political Affairs Committee of the Communist Party of Alameda County?

Mrs. HEE. I decline to answer that question under the fifth amendment.

Mr. KUNZIG. You decline to answer on the grounds that to do so might tend to incriminate you?

Mrs. HEE. That to do so would require that I would be a witness against myself.

Mr. KUNZIG. In a criminal proceeding, as the fifth amendment goes.

Mrs. HEE. I don't believe that the fifth amendment has been restricted to simply criminal procedures. I believe it has been considered to apply to activities of this committee.

Mr. KUNZIG. Do you know Charles Blodgett, who testified here yesterday?

Mrs. HEE. I decline to answer on the same grounds.

Mr. KUNZIG. Have you ever been a member of the Communist Party, Mrs. Hee?

Mrs. HEE. I decline to answer on the same grounds.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mrs. HEE. I decline to answer on the same grounds.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. No questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. No questions.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Counsel, is there any reason why this witness should be further retained under subpoena?

Mr. KUNZIG. No, sir.

Mr. VELDE. The witness is dismissed. Call the next witness, please.

Mr. KUNZIG. Mildred Bowen.

Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss BOWEN. I do.

TESTIMONY OF MILDRED BOWEN, ACCOMPANIED BY HER COUNSEL, LAWRENCE SPEISER

Mr. KUNZIG. Would you state your full name, please, and spell it for the record?

Miss BOWEN. Mildred Bowen, B-o-w-e-n.

Mr. KUNZIG. I see that you are accompanied by counsel, so would counsel please state his name and office address once again for the record?

Mr. SPEISER. I am Lawrence Speiser, staff counsel of the American Civil Liberties Union of Northern California, 503 Market Street, San Francisco.

Mr. KUNZIG. It is Miss or Mrs.?

Miss BOWEN. Miss.

Mr. KUNZIG. Miss Bowen, would you please tell us when and where you were born?

Miss BOWEN. Born in Chicago, Ill., August 9, 1903.

Mr. KUNZIG. Your present address?

Miss BOWEN. 604 28th Street, Oakland.

Mr. KUNZIG. Are you currently employed?

Miss BOWEN. No. I am not. As I believe one of the spokesmen for the committee expressed the hope that the witnesses before this committee would be, I find myself high and dry since Tuesday morning; unemployed since Tuesday morning.

Mr. KUNZIG. Where were you employed prior to—

Miss BOWEN. I would prefer not answer that question.

Mr. KUNZIG. Are you not answering on the grounds of the fifth amendment?

Miss BOWEN. Yes.

Mr. KUNZIG. You refuse to answer as to your employment because to do so might tend to incriminate you?

Miss BOWEN. Yes.

Mr. VELDE. In line with the policy of the committee, you are directed to answer the question.

Miss BOWEN. I refuse to answer the question on the same ground.

Mr. KUNZIG. Did you ever attend a meeting of the Political Affairs Committee of the Communist Party of Alameda County?

(At this point Miss Bowen conferred with Mr. Speiser.)

Miss BOWEN. I refuse to answer that question on the ground that it infringes my rights under two amendments to the Constitution, first amendment and the fifth amendment.

Mr. KUNZIG. Did you hear the testimony of Mr. Blodgett yesterday?

Miss BOWEN. I was here during most of the afternoon. I was not here during all of the morning. I was out of the room on one occasion during the afternoon yesterday.

Mr. KUNZIG. Did you know Charles Blodgett?

Miss BOWEN. Well, that question has to do with association. I refuse to answer a question of that sort under the protection afforded me by the fifth amendment.

Mr. KUNZIG. Have you ever been chairman of the Communist Party of Contra Costa County as was testified here yesterday?

Miss BOWEN. That question, too, I feel I am not required to answer because the fifth amendment guarantees that no citizen shall be required to be a witness against himself.

Mr. JACKSON. Do you decline to answer the question?

Miss BOWEN. I do.

Mr. JACKSON. For the reason previously stated?

Miss BOWEN. And for the reason I stated in my answer.

Mr. JACKSON. Very well.

Mr. KUNZIG. Have you ever been a member of the Communist Party at any time, Miss Bowen?

(At this point Miss Bowen conferred with Mr. Speiser.)

Miss BOWEN. I refuse to answer that question under the protection afforded me by the first and fifth amendments to the Constitution.

Mr. KUNZIG. Are you now a member of the Communist Party?

Miss BOWEN. That question, too, I refuse to answer on the same grounds.

Mr. KUNZIG. Mr. Chairman, I have no further questions. It is obvious the witness will not cooperate.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. No questions.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. None.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. I notice in your answers you quoted a section of the fifth amendment where you claimed the constitutional privilege. You also referred to the first amendment. What portion of the first amendment do you refer to?

Miss BOWEN. Well, in answer I want to say that I don't pretend to be a lawyer, and I don't intend to engage in a legal sparring. I understood that under the first amendment I am guaranteed the right of free speech and association.

Mr. DOYLE. Very well.

Mr. JACKSON. The Supreme Court, I might say, has found that the right of free speech does not connote the opposite, the right of silence, and that is the finding of the highest court of the land.

(At this point Miss Bowen conferred with Mr. Speiser.)

Mr. JACKSON. However, as long as the other essential amendment is there, I see no harm in taking the first.

Miss BOWEN. As I said before, I am not able to engage in a legal battle with attorneys. I did understand that this question, however, is still pending before the Supreme Court.

Mr. JACKSON. It is not my intention to enter into any legal sparring, but merely to point out that there has been such a finding.

Miss BOWEN. I see.

Mr. VELDE. Mr. Counsel, is there any reason why this witness should be further retained under subpoena?

Mr. KUNZIG. No, sir.

Mr. VELDE. If not, the witness is dismissed. Call your next witness, please.

Mr. KUNZIG. Ole Fagerhaugh.

Is Mr. Ole Fagerhaugh—O-l-e F-a-g-e-r-h-a-u-g-h—present in the room as required to be under subpoena?

Mr. Chairman, would the police kindly check in the halls and see if Mr. Fagerhaugh is in the hall?

In the meantime, Mr. Chairman, while they are checking, with your permission we will take another witness.

Mr. VELDE. Fine.

Mr. KUNZIG. Joseph Melia, M-e-l-i-a.

Mr. VELDE. Do you solemnly swear in the testimony you are about to give before this subcommittee to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MELIA. I do.

TESTIMONY OF JOSEPH MELIA, ACCOMPANIED BY HIS COUNSEL, HENRY ELSON

Mr. KUNZIG. What is your name, sir?

Mr. MELIA. Joseph Melia.

Mr. KUNZIG. Is that M-e-l-i-a?

Mr. MELIA. That is correct.

Mr. KUNZIG. Will counsel please state his name and address for the record?

Mr. ELSON. My name is Henry Elson, E-l-s-o-n. Mr. Counsel, are you interested in my office address?

Mr. KUNZIG. Yes.

Mr. ELSON. I am afraid I can't answer that question, sir. It seems that my former employer considered my representation of Mr. Melia at this committee hearing inconsistent with my employment, and as such, terminated the same.

Mr. KUNZIG. In what county are you a member of the bar?

Mr. ELSON. Alameda County.

Mr. KUNZIG. Would the witness please continue now? I would like to ask: When and where were you born, Mr. Melia.

Mr. MELIA. I was born in 1916 in New York.

Mr. KUNZIG. And your present address, sir?

Mr. MELIA. Berkeley.

Mr. KUNZIG. What is your address?

Mr. MELIA. 1617 Parker Street.

Mr. KUNZIG. Are you currently employed, and if so, where?

Mr. MELIA. I would like to answer this question, Mr. Counsel, on the basis that it seems to me this question is not pertinent to the inquiry. If your interest is in blackmailing or blacklisting, that is one thing; if it is pertinent to the inquiry, that is something else.

Mr. VELDE. Let me disabuse your mind that we are blackmailing or blacklisting any witness who appears here. We are seeking information relative to subversive activities in this area, and that is all.

There is no reason why you shouldn't give your present address.

Mr. MELIA. I understand that two witnesses have already lost their jobs. I heard the previous witness say that she has lost her job, and yet you say this is pertinent.

Mr. VELDE. It certainly is pertinent.

Mr. MELIA. If it is pertinent, I refuse to answer on the grounds of the fifth amendment.

Mr. VELDE. Your answer will be pertinent, too.

Mr. KUNZIG. If the witness, Mr. Chairman, is refusing to answer where he is employed on the grounds that to do so might tend to incriminate him, may I respectfully request that he be directed to answer?

Mr. VELDE. Yes, certainly; you are directed to answer that question.

(At this point Mr. Melia conferred with Mr. Elson.)

Mr. MELIA. I have already stated my answer on that same grounds.

Mr. VELDE. You mean the refusal to answer the question?

Mr. MELIA. That is right.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. MELIA. I want to make it clear, however, that since you said this was pertinent to the inquiry, that it is on the grounds of the fifth amendment, and I therefore refuse to be a witness against myself.

Mr. KUNZIG. Mr. Melia, do you know Charles Blodgett?

Mr. MELIA. I refuse to answer that question on the grounds that it might incriminate me, and on the fifth amendment.

Mr. KUNZIG. Mr. Blodgett testified here yesterday that he knew you as a member of the Political Affairs Committee of the Communist Party of Alameda County. Have you ever been a member of that committee?

Mr. MELIA. My political beliefs, I believe, are my own. I think that the first amendment to the Constitution provides that a person may have free speech and free association. I therefore refuse to answer that question, both on the grounds of the first amendment and on the grounds of the fifth amendment, on the grounds of the ninth and tenth amendments.

Mr. KUNZIG. Have you ever been a member of the Communist Party?

Mr. MELIA. My answer is the same.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. MELIA. My answer is the same.

Mr. KUNZIG. Do you know Dickson Hill, the former undercover agent for the Federal Bureau of Investigation—

Mr. MELIA. My answer is the same.

Mr. KUNZIG. Just let me finish the question, do you mind? Do you know Dickson Hill, who testified here that he had been a former FBI agent?

Mr. MELIA. My answer is the same.

Mr. KUNZIG. Undercover agent for the FBI?

Mr. JACKSON. For the reasons previously stated?

Mr. MELIA. For the reasons previously stated.

Mr. KUNZIG. Mr. Melia, Mr. Hill identified you and said he knew you to be a member of the Communist Party. Did you know Mr. Hill?

Mr. MELIA. I have already answered that question.

Mr. SCHERER. Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. VELDE. The witness is directed, in the line with regular policy of the committee, to answer that question. There is no reason that we can see why that would tend to incriminate you in any way, your acquaintanceship with any person.

(At this point Mr. Melia conferred with Mr. Elson.)

Mr. MELIA. My refusal to answer that question is based on the fifth amendment; I will not be a witness against myself.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. No questions.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. I think, Mr. Chairman, the record ought to show at this point that in addition to what our chairman has said about the purpose of this investigation, the abundant evidence shows that the Communist Party is subversive in its activities and purposes. I wish to reiterate again, we are not interested in anyone that may differ in opinion, have different political beliefs, but because it is well established that the Communist Party is subversive in its intents and purposes, we are interested in uncovering any person or any group of persons that are subversive.

Mr. VELDE. The chair concurs with the gentleman from California. Is there any reason, Mr. Counsel, why this witness should be further retained under subpoena?

Mr. KUNZIG. No reason, Mr. Chairman.

Mr. VELDE. The witness is dismissed. Call your next witness, please.

Mr. KUNZIG. Paul Schlipf, S-c-h-l-i-p-f.

Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SCHLIPF. I do.

TESTIMONY OF PAUL SCHLIPF, ACCOMPANIED BY HIS COUNSEL, GEORGE ANDERSEN

Mr. KUNZIG. Would you kindly state your full name, please?

Mr. SCHLIPF. My name is Paul Schlipf.

Mr. KUNZIG. Would you spell it, please, sir?

Mr. SCHLIPF. S-c-h-l-i-p-f.

Mr. KUNZIG. I note you are accompanied by counsel. Would counsel please state his name and office address for the record?

Mr. ANDERSEN. My name is George Andersen, 240 Montgomery Street, San Francisco.

Mr. KUNZIG. What is your present address, Mr. Schlipf?

Mr. SCHLIPF. I live in Oakland.

Mr. KUNZIG. The street address?

Mr. SCHLIPF. 791 Prospect.

Mr. KUNZIG. When and where were you born, sir?

Mr. SCHLIPF. I was born in 1905 in Indiana.

Mr. KUNZIG. Where in Indiana?

Mr. SCHLIPF. On a farm.

Mr. KUNZIG. What is the farm near, the town, please, or city?

Mr. SCHLIPF. Well, it is between, almost equidistance between a couple of towns.

Mr. KUNZIG. Now would you please name those towns, Mr. Schlipf?

Mr. SCHLIPF. Well, Goodland is one of them.

Mr. KUNZIG. How do you spell that?

Mr. SCHLIPF. Goodland?

Mr. KUNZIG. Yes.

Mr. SCHLIPF. Goodland.

Mr. KUNZIG. G-o-o-d-l-a-n-d?

Mr. SCHLIPF. G-o-o-d-l-a-n-d, Goodland.

Mr. KUNZIG. I see. That is the name of the town?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I beg your pardon?

Mr. KUNZIG. Is that the name of the town?

Mr. SCHLIPF. Yes; and another town, Remington, I believe is a little closer. It is the Corn Belt district.

Mr. KUNZIG. What is your present employment, Mr. Schlipf?

Mr. SCHLIPF. I am a factory worker.

Mr. KUNZIG. Where are you employed?

Mr. SCHLIPF. I am employed in Oakland in an automobile plant.

Mr. KUNZIG. Have you ever been secretary of the Alameda County labor union, CIO?

Mr. SCHLIPF. Yes, yes.

Mr. KUNZIG. When was that, sir?

Mr. ANDERSEN. Wait just a moment, please.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. VELDE. Yes; give the witness an opportunity to consult with his counsel.

Mr. KUNZIG. Certainly, all the time in the world.

Mr. ANDERSEN. Would you repeat the question, please?

Mr. VELDE. Will the reporter repeat the question, please?

(The question was read by the reporter as follows: "When was that, sir?")

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I don't recall the exact dates. It was over a period of time before the war and then I was away in the Army for 4 years, and then I was again active in that capacity after the war.

Mr. KUNZIG. Were you ever at any time the legislative assistant to the California CIO council?

Mr. SCHLIPF. Yes.

Mr. KUNZIG. What period of time was that?

Mr. SCHLIPF. Well, that was—I again don't remember the exact dates; approximately 4 or 5 years ago, I would say.

Mr. KUNZIG. During the time that you were legislative assistant for the CIO council here in California were you a member of the Communist Party?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Well, this is one of these typical questions that this committee has asked all over the country, and I would like to have an opportunity to answer it in my way as fully as I am capable of. I am not an attorney, but I would like to decline—I shall decline to answer that question on a number of grounds.

I have thought about this committee and its work for a long time, when Dies was chairman of the committee and ever since.

Mr. KUNZIG. Mr. Chairman, this is not responsive. I respectfully request that the witness be asked to answer the question either yes or no.

Mr. SCHLIPF. I am trying to answer this question, and I am a citizen, and I think I have a right to answer it and not answer it in a loaded way the way the counsel here wants me to.

Mr. VELDE. Mr. Witness, it has long been a policy of this committee, and I think the policy is right, that if you will answer the question, then we will give you all the time which you require to explain that answer.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. VELDE. But first of all you should answer the question.

Mr. SCHLIPF. I said I decline to answer the question, and I ask that you listen to my reasons. I have heard this committee or members of this committee or read in transcript where they have told witnesses they wish to have the witnesses explain their thoughts to them, that they are out seeking information around the word "subversive" and that sort of thing.

By the way, these words that are bandied around, I am just a simple soul and perhaps don't understand the meaning too much.

Mr. VELDE. So are we all simple souls, too, I assure you of that.

Mr. SCHLIPF. I would dare say that the word "subversive" would have probably—

Mr. JACKSON. This has nothing to do, Mr. Chairman, with the answer to the question. The witness has declined to answer, and I respectfully request—

Mr. SCHLIPF. All right, I would like to state my reasons.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I can't talk very well here when I am constantly heckled and interrupted.

Mr. VELDE. We have heard this time and time again, the same old line.

Mr. SCHLIPF. Maybe you should listen again.

Mr. VELDE. You folks who come before this committee and refuse to answer questions relative to subversive activities—

Mr. SCHLIPF. I don't like to be—

Mr. VELDE. Will you please answer the question?

Mr. SCHLIPF. I shall.

Mr. VELDE. And if you do answer the question, I assure you that you will be given plenty of time to explain your answer.

Mr. SCHLIPF. I decline to answer—

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I want to give you the answer as the rules of this committee, the law, requires. I want to do it as a citizen. I do not want to disrespect anyone here or any rules that are established, but I would like to give my reasons fully because I think they are important; they are important to me.

Mr. KUNZIG. Mr. Chairman, that is not an answer; he is declining to answer.

Mr. VELDE. The question is very simple.

Mr. SCHLIPF. Yes——

Mr. VELDE. It can be answered very easily yes or no.

Mr. SCHLIPF. This question is not simple.

Mr. VELDE. Now, if you will answer the question yes or no, then certainly we will give you adequate time to explain your answer. (At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I would like to answer this question, Mr. Chairman, in my own, answer it fully. I have given a lot of thought to it in answer, the way I feel about it in my own way. Am I permitted to do that?

Mr. VELDE. We have a great number of witnesses who are subpoenaed to appear before this committee. How long will it take you?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. It will not take very long. This committee functions all year, and I am sure that you don't wish to cut off the rights of a citizen if he wishes to——

Mr. VELDE. Certainly we don't want to cut off anyone's rights, but we would——

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. VELDE. Any further disturbance will result in clearing the hearing room.

Mr. SCHLIPF. Well, Mr. Chairman, I decline to answer this question for a number of reasons. First, I believe that under the Bill of Rights, which is a great document, evolved over 800 years, that this committee does not have the right to go about the country and inquire into the associations and beliefs and the opinions of the electorate. I was in Germany during the war as a soldier, and I speak German, and I was able to speak to many citizens there, and I asked them repeatedly, why did they permit Hitlerism and fascism to get into power in Germany, and they told me it varied, that they could do nothing about it because everyone was afraid to speak. They said they always felt there was somebody looking over their shoulder; they could not talk to their neighbors or their associates about their political opinions, nor could they organize to defeat fascism.

I had the specific experience of one man who was an electrical engineer who worked for me when I was more or less in charge of a project of rebuilding Rouen for the army of occupation, who was put in prison for 2 years because on his way home he told a neighbor that he thought Germany was going to lose the war, and a stool pigeon heard him and took him before one of the——

Mr. KUNZIG. Mr. Chairman, I respectfully request this is not an answer; this is a long tirade that we usually hear.

Mr. VELDE. There is no question about it in the Chair's mind or that of any member of the committee, I am sure. You are directed to answer the question.

Mr. SCHLIPF. I will conclude, that I think it is my duty to resist such questions as Mr. Truman has said, to be resisted at all levels, and therefore I decline on the 1st amendment, where I think you have no right to inquire into the free association and thoughts of the American electorate, and on the 5th amendment where I refuse to be a witness against myself, and on the 9th amendment and the 10th amendment.

Mr. KUNZIG. All right. Mr. Chairman, may I continue?

Mr. VELDE. Continue, Mr. Counsel.

Mr. KUNZIG. My first question, Mr. Schlipf, was connected with the time when you were allegedly assistant for the CIO council in California. I now ask, were you at any time a member of the Communist Party?

Mr. SCHLIPF. I refuse to answer it on the same basis, the 1st, the 5th, the 9th and 10th amendments.

Mr. JACKSON. Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. KUNZIG. Mr. Schlipf, do you know Charles Blodgett who testified here yesterday?

Mr. SCHLIPF. I don't know that he testified. I wasn't here.

Mr. KUNZIG. Do you know a Charles Blodgett?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I heard and read in the press that there was a paid stool pigeon here by the name of Blodgett who testified yesterday.

Mr. VELDE. That remark also will be stricken from the record.

Mr. JACKSON. Just a moment. May I ask a question?

Mr. SCHLIPF. Perhaps it is a bit emotional—

Mr. JACKSON. Who paid the stool pigeon?

Mr. SCHLIPF. Well, I have had experience with stool pigeons over many years in the labor movement, and I always found out or assumed that they were—it wasn't an assumption—you found out they were paid in some way or other.

Mr. JACKSON. You have made a very serious charge which implicates the Congress of the United States and the House of Representatives in that you have said that the witness who appeared yesterday was paid.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. DOYLE. I think perhaps, Mr. Chairman—I will not complete my statement until this witness is through consulting his counsel.

Mr. JACKSON. I would like to pursue this matter, however, to its conclusion.

Mr. SCHLIPF. Well, I assume from the way this committee has functioned in the past that there are no restrictions on paying these kind of people that come before them—

Mr. VELDE. You certainly have made a very wrong assumption, Mr. Schlipf, and I want to assure you that fact is true.

Mr. SCHLIPF. You mean to say this man is not paid for coming out here in any way?

Mr. JACKSON. He is paid his transportation costs, he is not paid—

Mr. VELDE. Just the same as you are paid, and you have a right to receive pay.

Mr. SCHLIPF. I lost 2 days' wages over this thing after 4½ weeks' layoff.

Mr. JACKSON. I might say the American people are in possession of much more information by defraying the travel expense of the other witnesses than they are from yours.

The charge that the Congress of the United States has paid an informer to give testimony before this committee is a reprehensible charge; it has no foundation in fact.

Mr. SCHLIPF. I think informers were paid in the Bridges case and in many cases.

Mr. JACKSON. I am not talking about in many cases. I am talking about the charge you have just made against this committee and against the Congress of the United States that an informer was paid to give testimony. That is an unmitigated falsehood. It has absolutely no foundation and is characteristic of the attacks made upon this committee by people who interests lie elsewhere than in the welfare of the United States of America.

Mr. SCHLIPF. Can my attorney cross-examine this man as to whether he is paid or not?

Mr. JACKSON. If your attorney wants to read the rules of procedure of the committee, he will find out that he cannot at this time cross-examine the witness. However, if you want to deny the allegations of the witness, you may have an opportunity in Federal court to have such cross-examination.

Are you now a member of the Communist Party? And here is your opportunity to get cross-examination.

Mr. SCHLIPF. I will answer that on the same basis that I answered the other questions.

Mr. JACKSON. You decline to answer for the reason it might tend to incriminate you?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. No, not that it would tend to incriminate me. I answer on the basis of the fifth amendment, that I do not wish to be a witness against myself.

Mr. JACKSON. For fear of possible self-incrimination?

Mr. SCHLIPF. I have the fifth amendment here.

Mr. JACKSON. Yes, we are quite familiar with it; we have heard it at some length.

Mr. SCHLIPF. I don't see that—

Mr. KUNZIG. The witness always conveniently forgets to read out the phrase "in criminal proceeding." That is in there, too.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. JACKSON. I have no further questions.

Mr. KUNZIG. Mr. Witness, I should like to ask you with regard to the testimony given by Mr. Blodgett yesterday. He testified under oath, swore under oath, that you were a member of the Political Affairs Committee of the Communist Party of Alameda County. Were you ever such a member?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I didn't hear this witness. I didn't hear him say it, and I would like to see the record.

Mr. KUNZIG. Well, I will just ask you this way: Have you ever been a member of the Political Affairs Committee of the Communist Party in Alameda County?

Mr. SCHLIPF. I think this is an invasion of my rights under the Bill of Rights, and I will answer on the same basis that I decline to answer under the 1st, 5th, 9th, and 10th amendments.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. What does the 10th amendment provide?

Mr. SCHLIPF. I have it before me.

Mr. JACKSON. No, you undoubtedly—

Mr. SCHLIPF. It says that the power is not delegated to the United States by the Constitution—

Mr. JACKSON. Yes, I wondered whether you would, without—

Mr. SCHLIPF. I would like to finish it.

Mr. JACKSON. No; that is all right.

Mr. SCHLIPF. Prohibited by the States—reserved to the States—

Mr. JACKSON. Yes; we are familiar with it.

Mr. VELDE. Let me ask you this question, Mr. Witness. If the California Senate committee on un-American activities were to ask you the question, Were you ever a member of the Political Affairs Committee of the Communist Party—

Mr. SCHLIPF. I am still a member of the people.

Mr. VELDE. Would you answer the question?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. VELDE. If you want the rights reserved to the State of California, certainly I think you should be entitled to appear before that committee and answer the question.

Mr. SCHLIPF. This is an "iffy" question. What was it again?

Mr. VELDE. The question is, Have you ever been a member of the Political Affairs Committee of the Communist Party?

Mr. SCHLIPF. And you said if the State what?

Mr. VELDE. If the State senate committee on un-American activities—

Mr. SCHLIPF. Or the Oakland—

Mr. VELDE. Were to ask you that question, would you answer it?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Well, I think I had better wait until the committee asks me that.

Mr. JACKSON. Mr. Chairman, counsel for the witness is prompting the witness in his answers in direct contravention of the rules of—

Mr. ANDERSEN. Counsel is not. I am advising him, and I understand that is the privilege that I have.

Mr. VELDE. Counsel has no right to put words into the mouth and mind of the witness.

Mr. ANDERSEN. My name is not Bergen, and Mr. Schlipf's name is not McCarthy. I don't put any words in his mouth.

Mr. VELDE. No; your name is Andersen.

Mr. ANDERSEN. That is right.

Mr. JACKSON. Regardless of what words you are putting in, they are coming out of him word for word as dictated by you.

Mr. ANDERSEN. How can you hear me consult with my client?

Mr. JACKSON. I can hear perfectly well because you have engaged in loud and audible conversation.

Mr. ANDERSEN. The other day my partner, Mr. Gladstein, wanted the mike cut off when he talked to his client. You assured him, Mr.

Jackson, that anything he said was not being picked up on the microphone.

Mr. JACKSON. I am not listening to you through the mike.

Mr. ANDERSEN. That was a deliberate misstatement because on that same night over the radio I heard my partner, Gladstein, consulting and could hear his words, consulting with his client, the very thing you assured him wouldn't be done.

Let us continue with the hearing.

Mr. JACKSON. This committee has no control over the radio facilities going out of this room.

Mr. ANDERSEN. They are your facilities.

Mr. JACKSON. The remarks I have heard have been remarks which have been directed by you in an audible tone, clearly understandable at this position. They have been words which have been repeated verbatim by the witness which I again state is in contravention and violation of the rules of the committee.

Mr. ANDERSEN. I hope it was good advice.

Mr. JACKSON. I hope it was, too.

Mr. VELDE. Counsel—

Mr. ANDERSEN. Shall we continue?

Mr. VELDE. The rules of the committee on the rights of counsel are that he—

Mr. ANDERSEN. I have read them.

Mr. VELDE (continuing). Has a right to represent his client, to advise with him, and of course the counsel also knows that he does not have the right to put words into the witness' mouth—

Mr. ANDERSEN. Of course.

Mr. VELDE (continuing.) To tell the witness what to say in answer to the question.

Mr. ANDERSEN. You are so right.

Mr. VELDE. This question that is pending at the present time is this: If the California Senate committee on un-American activities—you have declined to answer our question on the grounds of the 10th amendment, and if the California committee were to ask you whether or not you are a member of the Political Affairs Committee of the Communist Party of Alameda County, would you answer that question, or would you refuse to answer the question?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Well, if and when any committee wants me to appear before them, I will answer their questions as I see fit, as I think I should as a citizen of the country. However, I would like to point out that I think these questions of associations, who you talk to, who your friends are, and that sort of thing are things that are reserved to the people and is the people's right. Perhaps to be on safe grounds I should say I will answer your question on the basis—

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Does that answer your question?

Mr. VELDE. Of course it doesn't.

Mr. SCHLIPF. You have asked me an "iffy" question.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Suppose I answer that I will decide what to do when that time comes before that committee since I am not before that particular committee now.

Mr. VELDE. The question was merely asked of you for the reason that we want to get the —

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. VELDE (continuing). The real truth about subversion, about the Communist Party, and other organizations, and if you would tell the California committee the truth about your joining the Communist Party, any activity on the Political Affairs Committee of the Communist Party, we wouldn't care at all. We would be very happy to have you appear before any other committee.

Mr. SCHLIPF. I would like to make this observation: I think it is the word "subversion" that I don't understand. However, I believe that the Victorian age, in its time, would probably call the Republican Party subversive now. It is a relative term. I don't know what you are talking about.

Mr. KUNZIG. Let me ask one more question, if I may.

Mr. VELDE. All right.

Mr. KUNZIG. Have you ever been a member of any group seeking to overthrow the Government of the United States by force and violence?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. KUNZIG. That ought to get away from party names, Mr. Chairman.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Mr. Chairman, this committee and other McCarthy forces have put millions of people on the subversive list, and this is another one of those trick questions, and I am going to decline to answer it on the basis of my rights under the Bill of Rights, the 1st amendment, the 5th amendment, and the 9th and the 10th amendments.

Mr. KUNZIG. May I just state for the record, Mr. Chairman, of course there is nothing trick about any such question. It is asked, for example, of every employee, of the millions of employees of the Federal Government and has been for many years under previous administrations and under this one.

I have no further questions.

Mr. SCHLIPF. I was an employee of this Government for 4 years, fighting against fascism.

Mr. KUNZIG. When?

Mr. SCHLIPF. During the war.

Mr. KUNZIG. What years?

Mr. SCHLIPF. 1941—not quite 4 years, 3 years, 9 months.

Mr. KUNZIG. All right. Let me ask you this: When you were a soldier working and fighting for the Federal Government were you also at the same time a member of the Communist Party?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I have already answered your question.

Mr. KUNZIG. You refuse to answer on the grounds it might incriminate you?

Mr. SCHLIPF. No, on the grounds that I will not be a witness against myself.

Mr. KUNZIG. In a criminal proceeding. No further questions.

Mr. SCHLIPF. I will not be a witness against myself.

Mr. KUNZIG. I think he has made his position clear.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. Yes. I have a very plain question not a trick one, I can assure you. It is a question any loyal American citizen could very well answer. Do you believe that an American citizen should pay his first allegiance to the Constitution of the United States, on which you depended for protection today, or rely on the constitution of the Soviet Union?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I resent the question. It is ridiculous.

Mr. VELDE. We don't care whether you resent it or not.

Mr. SCHLIPF. I resent it very much.

Mr. VELDE. Answer the question.

Mr. SCHLIPF. I am, of course, loyal to the Constitution of the United States.

Mr. JACKSON. You are loyal to the Constitution of the United States?

Mr. SCHLIPF. Yes.

Mr. JACKSON. You have never taken any step which you consider to be disloyal?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. JACKSON. That is a question.

Mr. SCHLIPF. Is that a statement or a question?

Mr. JACKSON. Have you ever taken any step which could be considered disloyal to the United States?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Are you asking me an opinion?

Mr. JACKSON. No, I am asking you if you have ever taken any step disloyal to the United States. Either you have or haven't.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. By my standards I certainly have not. But the standards of this committee, I don't know what their standards are.

Mr. JACKSON. Do you believe a person can be a member of the Communist Party and still be a loyal American?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Is that my belief you are asking for?

Mr. JACKSON. Yes; is it your contention that one can?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I think you are trying to make this the issue, and it is not the issue here at all. If I could engage in a political debate with you, perhaps we could clarify each other's opinions on this question, but I don't think this is the time and place for political debate because I don't think that is what you are here for.

Mr. KUNZIG. Are you then, in your opinion, a loyal citizen?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Yes, definitely.

Mr. KUNZIG. Are you a member of the Communist Party?

Mr. SCHLIPF. I have answered that question.

Mr. KUNZIG. You decline to answer the question?

Mr. SCHLIPF. It is on the record, my answer. My answer is on the record.

Mr. KUNZIG. I have asked it again.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. I have already answered that.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. VELDE. You mean you refused to answer?

Mr. SCHLIPF. I have given my reasons for my answer.

Mr. VELDE. All right.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. I have no questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. I have made a note, Mr. Schlipf. You said this committee did not have the right to go about the country.

Mr. SCHLIPF. I stated that is my opinion. I said not the right to go about the country—to go about the country doing various things, causing people to lose their jobs.

Mr. DOYLE. You have had quite a few minutes to give your reasons and make a statement. Will you let me make a statement, please?

Mr. SCHLIPF. I beg your pardon.

Mr. DOYLE. I want to call your attention to the fact that this committee not only has a right to go about the country and investigate, look into the subject of subversive activities, but it has the duty so to do, and it has the duty because your own Congress—

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. DOYLE. Will you listen please, witness, just a minute?

Mr. SCHLIPF. I am listening, sir.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. DOYLE. This committee not only has the right, but it has the legal duty to do just what we are doing under public law 601 passed in the 79th Congress.

I called attention yesterday to the fact that we are charged with that duty. Furthermore, I want to read just a few lines for your information:

For the purpose of any such investigation the Committee on Un-American Activities or any subcommittee thereof is authorized to sit and act at such times and places within the United States whether or not the House is sitting, has recessed, or has adjourned; to hold such hearings to require the attendance of such witnesses and the production of such books, papers, and documents; and to take such testimony as it deems necessary.

That is only part of the express authority under which we are acting and express duty which we have as members of this committee.

I want the record, Mr. Chairman, to speak pretty clearly on that so that those in this hearing room and any others will know that this committee is here not only under express statutory law, but we are in performance of an express statutory duty.

You mentioned the CIO organization, and as long as that has been mentioned here in connection with you, I wish to have the record show whatever the fact is. I want the record to show, Mr. Chairman, that certainly I would feel that this committee is not by inference or by suggestion, either directly or indirectly—and I certainly don't, by inference or suggestion, have any belief that because any witness appears before this committee—either this or any other witness who happens to be a member of the CIO in California or nationally—that that labor organization is either directly or indirectly subversive or disloyal.

Mr. VELDE. Certainly, Mr. Doyle, the chair concurs in the opinion and statement of the gentleman from California.

Mr. DOYLE. I wish further to state that I am sure that the record shows that the CIO organization in good faith and diligently and vigorously has undertaken to eliminate from its official family every known subversive and every known Communist. That is as I understand the record to be.

Mr. SCHERER. Will you yield just a minute, Mr. Doyle?

Mr. DOYLE. Yes, Mr. Chairman.

Mr. SCHERER. Are you still an official of the CIO, in view of Mr. Doyle's statement?

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. No.

Mr. SCHERER. I didn't get your answer.

Mr. SCHLIPF. The answer was no.

Mr. SCHERER. Do you want to tell us how you left the CIO leadership?

Mr. SCHLIPF. I refuse to go into the questions of my trade union organization here on the basis that I think this committee has no authority to go into them, and I decline to answer your question on the basis of the first amendment, the fifth amendment, the ninth, and the tenth amendments.

Mr. SCHERER. I know what Mr. Doyle says is true. The CIO in my part of the country has gotten rid of—and they are to be commended—those individuals who associated—

Mr. SCHLIPF. I am a member of the CIO, but I will not go into the internal questions of my union here before this committee. I decline to answer questions along that line.

Mr. VELDE. Did you say you were a member of the CIO?

Mr. SCHLIPF. I say I am a member of the CIO.

Mr. VELDE. At the present time?

Mr. SCHLIPF. Yes.

Mr. DOYLE. You are not a paid employee of the CIO, are you? Or let me change that.

Mr. SCHLIPF. No, I explained before—

Mr. DOYLE. Because I don't want to go into the internal affairs of the CIO, either.

Mr. SCHLIPF. I work in a factory. I don't know what you mean then, Mr. Doyle, what you are trying to do.

Mr. DOYLE. Here is what I am trying to do: I am trying to have the record speak whatever the fact is. I believe the fact to be this, that when you participated in this testimony today you have not done it while in the employ of the CIO, isn't that correct?

Mr. SCHERER. He answered that he was no longer an official.

Mr. DOYLE. I want to make the record clear, whatever it is. You are not here in any legislative capacity for the CIO nor official of the CIO, are you?

Mr. SCHLIPF. I am here for only one reason, and that is because I was subpoenaed.

Mr. DOYLE. I mean, you are not now an employee of the CIO?

Mr. SCHLIPF. No, no; I answered that question.

Mr. DOYLE. That is all, Mr. Chairman.

Mr. VELDE. Let me say, I have no questions, but let me just make this observation, that your refusal here to testify before a committee of Congress, duly authorized to investigate subversive activities and

propaganda, as Mr. Doyle pointed out, can only lead to the inference by this committee—and I am sure by the members of the Congress—that you must be engaged in subversive activities at the present time.

Is there any reason why this witness should be further retained under subpoena?

Mr. KUNZIG. No, sir.

Mr. VELDE. If not the witness is dismissed, and call your next witness.

(At this point Mr. Schlipf conferred with Mr. Andersen.)

Mr. SCHLIPF. Can I reply to that, Mr. Chairman? Can I reply to that?

Mr. VELDE. You are dismissed.

Mr. KUNZIG. Mr. Fagerhaugh now has arrived.

Mr. VELDE. In the testimony you are about give before this subcommittee do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FAGERHAUGH. I do.

TESTIMONY OF OLE FAGERHAUGH, ACCOMPANIED BY HIS COUNSEL, ROBERT E. TREUHAFT

Mr. KUNZIG. Would you state your full name, please, for the record?

Mr. FAGERHAUGH. My name is Ole Fagerhaugh.

Mr. KUNZIG. How do you spell that, sir?

Mr. FAGERHAUGH. First name, O-l-e; last name, F-a-g-e-r-h-a-u-g-h.

Mr. KUNZIG. Mr. Fagerhaugh, I see you are accompanied by counsel. Would he please state his name and address for the record?

Mr. TREUHAFT. My name is Robert E. Treuhافت, attorney at law, 1440 Broadway, Oakland. I would like to—

Mr. KUNZIG. Mr. Fagerhaugh—

Mr. TREUHAFT. Mr. Kunzig, I would like to say one word. I understand that at the close of my testimony yesterday a ruling was made that my subpoena was continued. Since I consider a subpoena by this committee a form of intimidation—

Mr. JACKSON. No, yours was not extended, Mr. Treuhافت. The action pertained to the witness who preceded you.

Mr. TREUHAFT. Is it understood then that I am no longer under subpoena before this committee?

Mr. JACKSON. Yes; when you were dismissed from the committee, you were dismissed from any further-obligation of the subpoena.

Mr. KUNZIG. Mr. Fagerhaugh, would you state your address, please?

Mr. FAGERHAUGH. I live at 2285 East 19th Street, Oakland.

Mr. KUNZIG. When and where were you born, sir?

Mr. FAGERHAUGH. Well, I was born in May in the year of the San Francisco earthquake, but I assure you I was born in Norway, so I couldn't have had anything to do with that. I was born in Tromso, Norway, T-r-o-m-s-o.

Mr. KUNZIG. Are you now a citizen of the United States?

Mr. FAGERHAUGH. I am.

Mr. KUNZIG. When did you become a citizen?

Mr. FAGERHAUGH. I became a citizen by virtue of my father's becoming a citizen while I was still a minor.

Mr. KUNZIG. When did he become a citizen?

Mr. FAGERHAUGH. I think it was in 1912, if I am not mistaken.

Mr. KUNZIG. What is your present employment, sir?

Mr. FAGERHAUGH. I am a warehouseman.

Mr. KUNZIG. Where are you employed?

(Upon order of the Chairman, certain remarks of the witness were ordered stricken at this point.)

Mr. VELDE. Will you answer the question, please? What is your employment?

(At this point Mr. Fagerhaugh conferred with Mr. Treuhaft.)

(Upon order of the chairman, certain remarks of the witness were ordered stricken at this point.)

(At this point Mr. Fagerhaugh conferred with Mr. Treuhaft.)

Mr. VELDE. Now will you answer the question, Mr. Witness, or give your legal basis for refusing to answer the question?

Mr. FAGERHAUGH. Well, I am trying to give my reasons, including my legal reasons for refusing to answer this question, and I would like to proceed to do that if the committee will permit.

Mr. JACKSON. Your opinion of the committee is not a legal reason for refusing to answer the questions. As a matter of fact, the committee is not at all concerned with your opinion of it.

Mr. SCHERER. I am going to object to counsel in this case again telling the witness what to say.

Mr. TREUHAFT. I am going to object to the committee making inferences that are unjustified.

Mr. VELDE. The counsel should know his rights to confer with his witness. This is not a court of law as counsel well knows.

Mr. TREUHAFT. I am aware of that.

Mr. VELDE. This is a committee of Congress trying to ascertain the true facts about subversion in this country, and I ask that the counsel for the witness please remember that fact and act in accordance with the rules of the committee.

Will the witness answer the question?

Mr. FAGERHAUGH. Will you repeat the question, please?

Mr. KUNZIG. I believe if I recall correctly that the question was, Where are you presently employed?

Mr. FAGERHAUGH. I am going to continue to stand on my right not to answer that question because, as I say, the committee is already fully aware of where I am employed, and I don't see any purpose—

Mr. SCHERER. Frankly I don't know where you are employed; I have no idea where you are employed, and the record should show where you are employed. It is not on the record, Mr. Chairman.

Mr. VELDE. Frankly, I don't know, either, and I don't know whether any member of the committee knows.

Mr. FAGERHAUGH. I would rather the committee enter that fact into the record from their own records. I am not going to be a party to dragging my employer into this smear campaign.

Mr. JACKSON. Does the committee know where the witness is employed?

Mr. KUNZIG. Yes, sir. May I answer that in 1 minute? I should like first to request that the witness be directed to answer that question, and then I will ask another one about the address.

Mr. VELDE. Certainly, the witness is directed to answer the question. Where are you employed?

(At this point Mr. Fagerhaugh conferred with Mr. Treuhaft.)

Mr. FAGERHAUGH. I am going to decline to answer that question on the grounds of my rights under the fifth amendment.

Mr. KUNZIG. Let me put it this way, Mr. Fagerhaugh: Are you employed at the Illinois Glass Co., 601 36th Avenue, Oakland, so that the record will state correctly?

Mr. FAGERHAUGH. Same answer.

Mr. KUNZIG. You feel that to answer "Yes" or "No" to that question would incriminate you?

Mr. FAGERHAUGH. I don't feel that that answer or any answer I might give here might incriminate me. I have committed no crime. I am guilty of no crime, and I have nothing to fear. Now, my rights under the Constitution state that I may decline to answer this question on the grounds that I am guaranteed the right not to act as a witness against myself, and for further reasons—

Mr. VELDE. In a criminal proceeding; is that not true? And you say you have committed no crime whatsoever. Then do you still feel that you are entitled to the protection of the fifth amendment, when you have committed no crime?

(At this point Mr. Fagerhaugh conferred with Mr. Treuhaft.)

Mr. FAGERHAUGH. I want to make very clear my position on this because what is said here today may some day be used in a court of law, and so I want it clearly understood the reason—my reasons for claiming the right not to answer this question under the fifth amendment, and I would like to—

Mr. VELDE. Proceed, Mr. Counsel.

Mr. KUNZIG. Mr. Chairman, the witness has refused to answer on the grounds of the fifth amendment and has said under oath he has not committed any crime. I should like therefore to ask him this question, whether you have ever been a—

Mr. TREUHAFT. Just a moment, counsel. The answer has not been finished, and you have interfered and interrupted.

Mr. VELDE. Counsel knows his right to advise with his client; it is limited to that.

Mr. TREUHAFT. I want to consult with my client.

(At this point Mr. Fagerhaugh conferred with Mr. Treuhaft.)

Mr. VELDE. Give the counsel an opportunity to talk with the witness.

Mr. KUNZIG. Mr. Chairman, may I continue with the questioning?

Mr. FAGERHAUGH. I would like to continue—

Mr. KUNZIG. There is no question before the witness.

Mr. VELDE. There is no question before the witness.

Mr. FAGERHAUGH. I have not finished answering my reasons.

Mr. VELDE. You have been given permission and opportunity to confer with your counsel. No question is pending.

Mr. FAGERHAUGH. I still didn't finish the question that was asked.

Mr. KUNZIG. For the record, to make it clear, the previous question the witness declined to answer on the grounds of the fifth amendment. Now I ask this question, Mr. Fagerhaugh: Have you ever been a member of the Communist Party—

(At this point Mr. Fagerhaugh conferred with Mr. Treuhaft.)

Mr. KUNZIG (continuing). Political Affairs Committee of Alameda County?

Mr. FAGERHAUGH. I am not going to answer any further questions until I have been given an opportunity for the record to give a complete answer to the last question that was asked of me.

Mr. VELDE. Well, will you give a complete answer, or will you refuse to answer, as you have done before?

Mr. FAGERHAUGH. I want to give my reasons for declining to answer.

Mr. VELDE. You may give your reasons, your explanation, if you will answer the question, but certainly not if you refuse to answer the question.

Mr. FAGERHAUGH. I think it should be made very clear my reasons for refusing to answer this question because the committee seems to raise the question, well, what have I to fear to answer a question like where do I work. Well, for the sake of the record, I want my reasons, I want to give my reasons for declining to answer under the fifth amendment because this case may come into a court of law, and I want it clearly understood what my reasons are. Now, I would like—

Mr. VELDE. You say you have committed no crime. Then how can you sit there and claim the privileges against self-incrimination?

Mr. FAGERHAUGH. Because the fifth amendment was drawn up to protect the innocent as well as the guilty, as you well know, and Chief Justice Rutledge has said, and if I may quote him—

Mr. VELDE. The committee is well aware of the—

Mr. FAGERHAUGH. I am not so certain the committee is well aware, and for the record I would like to give a brief quote.

Mr. JACKSON. In regular order, Mr. Chairman, let us have the questions and get the declinations or the answers.

Mr. VELDE. If the witness continues to make voluntary statements not in answer to the question that counsel asks and the members of this committee ask, I assure you that you will be removed from the hearing room.

Proceed, Mr. Counsel.

Mr. KUNZIG. The question now before the witness which he has been evading, Mr. Chairman, is: Have you ever been a member of the Political Affairs Committee of the Communist Party of Alameda County, a very simple question to answer.

(At this point Mr. Fagerhaugh conferred with Mr. Treuhaft.)

Mr. FAGERHAUGH. Pardon me, what was the question?

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. KUNZIG. Well, I just wonder how you can confer all that time without knowing the question, but I will repeat it for about the fourth time, Mr. Witness. Have you ever been a member of the Political Affairs Committee of the Communist Party of Alameda County, as was testified here yesterday by Mr. Blodgett?

Mr. FAGERHAUGH. I decline to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. Have you ever been a member of the Communist Party at any time whatsoever?

Mr. FAGERHAUGH. I likewise decline to answer that question on the grounds of my rights under the fifth amendment.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. FAGERHAUGH. I further decline to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. No questions.

Mr. VELDE. I have no further questions—

(At this point Mr. Fagerhaugh conferred with Mr. Treuhaft.)

Mr. VELDE. Except I would like to make this observation as I did with the previous witness: Your refusal to give this committee information concerning subversive activities in which you might have been engaged or that you might have been engaged in in this area can only lead us to believe that you must presently be engaged in subversive activities.

Is there any reason why this witness should be further retained under subpoena?

Mr. KUNZIG. No, sir.

Mr. VELDE. The witness is dismissed, and the committee will be in recess for 10 minutes.

(Whereupon, at 10:47 a. m., the hearing was recessed to reconvene at 10:57 a. m.)

(The hearing reconvened at 11:02 a. m.)

Mr. KUNZIG. Mr. Carroll Barnes.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BARNES. I do.

TESTIMONY OF CARROLL BARNES, ACCOMPANIED BY HIS COUNSEL, LAWRENCE SPEISER

Mr. KUNZIG. Would you state, sir, your full name for the record and spell it, please?

Mr. BARNES. Carroll Barnes, C-a-r-r-o-l-l B-a-r-n-e-s.

Mr. KUNZIG. I see that you are represented by counsel. Would counsel please state his name once again for the record?

Mr. SPEISER. Lawrence Speiser. I am the staff counsel of the American Civil Liberties Union of north California; my address is 503 Market Street, San Francisco.

Mr. KUNZIG. Mr. Barnes, would you kindly state your present address, sir?

Mr. BARNES. 1027 9th Street, Oakland.

Mr. KUNZIG. You were born when and where, sir?

Mr. BARNES. I was born July 20, 1906, in what is now the State of Oklahoma.

Mr. KUNZIG. Are you presently employed?

Mr. BARNES. I am not.

Mr. KUNZIG. Yesterday in sworn testimony before this committee, Mr. Barnes, you were identified by Charles Blodgett as a member of the Alameda County committee of the Communist Party. Have you ever been a member of such committee?

Mr. BARNES. Mr. Counsel, I invoke the first amendment to the Constitution, the fifth amendment to the Constitution, and the ninth and tenth amendments of the Constitution.

Mr. KUNZIG. You decline to answer?

Mr. BARNES. I decline to answer the question.

Mr. KUNZIG. You were also identified by Dickson Hill, a former undercover agent of the FBI as a member of the Communist Party. Have you ever been a member of the Communist Party?

(At this point Mr. Barnes conferred with Mr. Speiser.)

Mr. BARNES. I decline to answer the question on the grounds previously stated.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. BARNES. My answer is the same.

Mr. KUNZIG. Did you ever know a Charles Blodgett?

Mr. BARNES. The answer is as previously stated, I decline to answer.

Mr. KUNZIG. Did you know Dickson Hill?

Mr. BARNES. I decline to answer on the previously stated grounds.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. No questions, Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. No questions.

Mr. VELDE. Is there any reason why this witness should be further retained under subpoena, Mr. Counsel?

Mr. KUNZIG. No, sir.

Mr. VELDE. The witness is dismissed, and call your next witness, please.

Mr. KUNZIG. I call Mr. Paul Chown.

Mr. Chairman, I respectfully request that we have the committee investigators and the police institute an immediate search for Mr. Chown. He has been around here quite sometime. It is rather interesting that he is not present now.

Mr. VELDE. That request is certainly granted. Do you have another witness to call?

Mr. KUNZIG. I would appreciate very much if you would see if Mr. Chown is around. He made plenty of speeches out front.

Joy Williams, please.

Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. WILLIAMS. I do.

TESTIMONY OF JOY WILLIAMS, ACCOMPANIED BY HER COUNSEL, EDWARD NEWMAN

Mr. KUNZIG. Mrs. Williams, will you please state your full name for the record?

Mrs. WILLIAMS. My name is Joy Williams.

Mr. KUNZIG. Would counsel please identify himself for the record?

Mr. NEWMAN. My name is Edward Newman, N-e-w-m-a-n.

Mr. KUNZIG. And your office address, sir?

Mr. NEWMAN. My office address is at 967 B as in "Baker" Street in Hayward.

Mr. KUNZIG. Mrs. Williams, when and where were you born?

Mrs. WILLIAMS. I was born in Oakland, Calif.

Mr. KUNZIG. And when?

Mrs. WILLIAMS. 1913.

Mr. KUNZIG. What is your present address, please?

Mrs. WILLIAMS. I live in Oakland.

Mr. KUNZIG. And at what address in Oakland?

Mrs. WILLIAMS. 5646 Marywood Drive.

Mr. KUNZIG. I wonder if you could perhaps move just a little closer to that microphone. It is very difficult to hear.

Are you employed, Mrs. Williams?

(At this point Mrs. Williams conferred with Mr. Newman.)

Mrs. WILLIAMS. I would like to make my position clear before this committee. I think perhaps it would save the committee time, and I would sincerely like to be as little misunderstood as possible. The question is, am I employed?

Mr. KUNZIG. Yes.

Mrs. WILLIAMS. As I have already stated, I was born in Oakland, Calif., and I have always been very proud of that citizenship with which I was born, and of the Constitution of the United States and the rights that it guarantees its citizens, including me, and I have felt all my life very strongly on the question of freedom of speech and the right of people to peacefully assemble, the freedom from—

Mr. VELDE. May I interrupt and say this, that if you are proud of your citizenship, would you be helpful to this committee and tell this committee whether or not you are employed at the present time?

Mrs. WILLIAMS. Yes, I am coming to that. It is part of the question that I am answering, and I will be very brief, and I think in the long run it will save the committee time on this question. I am answering it.

On the question of my beliefs and my sincere confidence which has been growing, in the necessity for defending this Constitution, and particularly the first and fifth amendments, I feel it is my duty as a citizen to defend it. I look upon this questioning this way, and this is why I must decline to answer questions about my beliefs, and in the future, if you should ask me any, other people's beliefs and speculate on these matters, and I claim—

Mr. VELDE. The request as to the matter of your employment has nothing to do with your beliefs—

Mrs. WILLIAMS. Of course this is a very difficult thing to think through completely, but I think the question of whether or not I am employed—I claim the fifth amendment on this.

Mr. VELDE. Let me ask you, are you a member of the Communist Party?

(At this point Mrs. Williams conferred with Mr. Newman.)

Mrs. WILLIAMS. There are two questions before me. I was just finishing answering the one on employment.

Mr. VELDE. The other question has been retracted and stricken from the record.

Mrs. WILLIAMS. It has?

Mr. VELDE. By the order of the Chair. The question now pending is, Are you a member of the Communist Party at the present time?

Mrs. WILLIAMS. This is included in my previous remarks. I must answer such a question by appealing to the fifth amendment and my rights to not say anything which might be construed as incriminating me.

Mr. VELDE. Have you ever been a member of the Communist Party?

Mrs. WILLIAMS. This is the same kind of question, and I must rely on my rights under the fifth amendment.

Mr. JACKSON. Let me make this clear, you are under no compulsion. You say you must rely on it. Do you so rely? Do you decline to answer the question on the grounds of the fifth amendment?

(At this point Mrs. Williams conferred with Mr. Newman.)

Mrs. WILLIAMS. Yes, I decline on the same grounds stated.

Mr. JACKSON. Very well; thank you.

Mr. VELDE. Do you have further questions, Mr. Jackson?

Mr. JACKSON. No questions.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. No.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. No.

Mr. VELDE. Is there any reason why this witness should be retained under subpoena?

Mr. KUNZIG. No, sir.

Mr. VELDE. If not, the witness is dismissed, and you may call your next witness.

Mr. KUNZIG. Doug Ward, W-a-r-d.

Mr. VELDE. In the testimony you are about to give before this subcommittee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WARD. I do.

TESTIMONY OF DOUGLAS WHITNEY WARD, ACCOMPANIED BY HIS COUNSEL, LAWRENCE SPEISER

Mr. KUNZIG. Would you state your full name, please, for the record?

Mr. WARD. My name is Douglas Whitney Ward.

Mr. KUNZIG. Let the record show that Mr. Speiser is again attorney. We recognize him as counsel previously for other witnesses here today.

Mr. WARD, what is your present address, sir?

Mr. WARD. 827 16th Street, Sparks, Nev.

Mr. KUNZIG. When and where were you born, Mr. Ward?

Mr. WARD. I was born in Fort Scott, Kans., on the 28th day of October in 1910.

Mr. KUNZIG. Where are you presently employed, sir?

(At this point Mr. Ward conferred with Mr. Speiser.)

Mr. WARD. I wish to decline to answer that question, Mr. Counsel, on the grounds of the first and fifth amendment, and to state at the same time that I propose to refuse on the same grounds to answer any other questions concerning employment.

Mr. JACKSON. Mr. Chairman, the witness states that he wishes to decline. Does he so decline to answer?

Mr. WARD. I do, yes, sir.

Mr. JACKSON. Thank you.

Mr. KUNZIG. In order then to get the record straight, Mr. Chairman, I wish to ask this question in this way: Are you presently employed by the Southern Pacific Railroad in Sparks, Nev.?

Mr. WARD. Same answer, Mr. Counsel.

Mr. KUNZIG. You refuse to answer that question upon the grounds that to answer where you are employed might incriminate you?

Mr. WARD. Yes, sir; that is correct.

Mr. KUNZIG. Working for the Southern Pacific Railroad can be incriminating?

Mr. WARD. I will stand on my previous answer.

Mr. KUNZIG. Now, you were identified as a former Communist Party member during testimony yesterday by Charles Blodgett. Have you ever been, Mr. Ward, a member of the Communist Party?

Mr. WARD. I decline to answer that question, also, Mr. Counsel, on the same grounds.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. WARD. I am not.

Mr. KUNZIG. Were you a member of the Communist Party in 1952? (At this point Mr. Ward conferred with Mr. Speiser.)

Mr. KUNZIG. You can save a little time if you will give us the dates because you must know I am going through them all.

Mr. WARD. At this time, Mr. Counsel, I wish to decline to answer that question on the grounds of the first and fifth amendments, and I do intend also to refuse on the same grounds to answer any other questions about political affiliations or associations.

Mr. JACKSON. You say you wish to decline. Do you so decline?

Mr. WARD. I do.

Mr. KUNZIG. Let me get this straight. You say that you are not now a member of the Communist Party, but when asked whether you were a member of the Communist Party in 1952, you refused to answer; is that correct?

Mr. WARD. Mr. Counsel, I am sorry that I don't remember exactly how the original question about that that you asked me was phrased, but if you will repeat the original question that I——

Mr. KUNZIG. I think the record stands clear for itself. Were you a member of the Communist Party yesterday?

(At this point Mr. Ward conferred with Mr. Speiser.)

Mr. WARD. Well, that, Mr. Counsel, I think is the same type of question that I declined to answer before, and consequently I must now decline to answer that question also on the grounds previously stated.

Mr. KUNZIG. So that we are to understand that you are not now a member of the Communist Party, but as to whether you were a member of the Communist Party yesterday you refuse to answer on the grounds of the fifth amendment, is that right?

(At this point Mr. Ward conferred with Mr. Speiser.)

Mr. WARD. I stand on my previous answer.

Mr. KUNZIG. Just let me ask one further question. Do you know Charles Blodgett?

Mr. WARD. I will decline to answer that question also, Mr. Counsel, on the grounds of the first and fifth amendments and in so doing state my intention of similarly declining to answer any other questions about associations with persons.

Mr. KUNZIG. Then let us get away from persons and ask you: Have you ever been a member of any group seeking to overthrow the Government of the United States by force and violence?

(At this point Mr. Ward conferred with Mr. Speiser.)

Mr. WARD. I will decline to answer that question also on the same grounds.

Mr. KUNZIG. One further question: Have you ever been political editor of the Peoples World, a newspaper here in this county?

Mr. WARD. Well, that, I believe, Mr. Counsel, is a matter of associations, and since I have already stated my intention to do so, I will reiterate at this time that I decline to answer that question on the grounds of the first and fifth amendments.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. VELDE. That might, in your opinion, be a matter of association, but it has to do with your employment also. I want the record to show at this point, at the suggestion of the gentleman from California, Mr. Doyle, that the committee has a duty imposed upon it to ascertain the extent of infiltration and subversion, particularly at the present time, of the Communist Party into various fields of employment. The reason that you are asked concerning your employment is to enable this committee to determine the extent of infiltration of subversive activities into the various industries, various fields of employment.

Do you have a question, Mr. Jackson?

Mr. JACKSON. No questions, Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. No questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. I wish to say to the gentleman that I am assuming that you have withdrawn from the Communist Party in utmost good faith and because you are opposed to its teachings. On that assumption, therefore, I wish to urge you to now be at least as active against the teachings of the Communist Party as I assume you were when you were a member of it. I am inferring from your testimony that there was a time when you were a member of it.

Mr. WARD. I don't believe that is a reasonable inference, Mr. Doyle.

Mr. DOYLE. Well, I wanted to state frankly to you that to me it is a reasonable inference. If I am an unreasonable man in that particular, then I will have to stand as unreasonable on that point, but I wanted you to be aware of the fact that I infer from the nature of your testimony that while you are not a Communist today, you may have been a week from today, but whatever the fact is, you know, and I therefore want to urge you, as I do quite frequently any man who ever was a Communist, to be at least as active against the teachings of the Communist Party, you having withdrawn from the party or not today being a member, again on the assumption that you were a Communist, as when you were a member of the party.

I don't mean to discredit your testimony at all, sir. I just am inferring that there was a time when you were a Communist Party member, and I therefore want to urge you to be as active against the teachings of the Communist Party from now on as perhaps you were in favor of the teachings of the Communist Party if and when you were a member of that party.

Mr. VELDE. Mr. Counsel, is there any reason why this witness should be further retained under subpoena?

Mr. KUNZIG. No, sir.

Mr. VELDE. If not, the witness is dismissed, and you may call your next witness.

Mr. KUNZIG. I wish to make an announcement to some of the witnesses who have suggested or given the impression that they are not going to accept witness fees.

I wish, of course, to make it perfectly clear that under the laws and regulations they have every right to fees to which they are entitled, and they have only to step up here to the clerk and make the arrangements. That is there for every one of them. If they so decline or do not wish, that is their own action, of course.

Mr. VELDE. Thank you, counsel, for making that observation.

Mr. KUNZIG. Aram Attarian.

Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ATTARIAN. I do.

TESTIMONY OF ARAM ATTARIAN, ACCOMPANIED BY HIS COUNSEL, EDWARD NEWMAN

Mr. KUNZIG. Mr. Attarian, would you state your full name for the record, please?

(At this point Mr. Attarian conferred with Mr. Newman.)

Mr. KUNZIG. And will you kindly spell it so we get it right?

The witness is apparently conferring with counsel.

Mr. ATTARIAN. I beg your pardon, will you repeat that, please?

Mr. KUNZIG. Would you state your name, please, and spell it?

Mr. ATTARIAN. Aram, A-r-a-m, Attarian, A-t-t-a-r-i-a-n.

Mr. KUNZIG. Would counsel state his name again for the record?

Mr. NEWMAN. My name is Edward Newman, Hayward, Calif. Will the committee counsel identify himself for the record?

Mr. KUNZIG. I would be delighted to. I think the name is on the record. My name is Robert L. Kunzig, counsel for the House Committee of Un-American Activities, member of the bar of Philadelphia County.

Mr. VELDE. Proceed.

Mr. KUNZIG. Would the witness kindly give his address, please?

Mr. ATTARIAN. 24622 Traynor Court, Hayward, Calif.

Mr. KUNZIG. When and where were you born, Mr. Attarian?

Mr. ATTARIAN. November 7, 1915, Brooklyn, N. Y.

Mr. KUNZIG. Are you employed, sir?

(At this point Mr. Attarian conferred with Mr. Newman.)

Mr. ATTARIAN. May I ask a point of information before the questioning begins? I would like—

Mr. KUNZIG. Mr. Chairman, I have asked a very simple question: Is the witness employed, and if so, would he state where he is employed?

Mr. VELDE. Yes, if the witness will answer the question you may explain your answer.

Mr. ATTARIAN. I beg your pardon.

Mr. VELDE. The question is very simple. If the witness will answer the question, then you might explain your answer, but until you do answer the question the committee cannot reasonably—

Mr. ATTARIAN. Well, I want to discover whether I have the privilege of asking a point of order. In other words, before the first question is asked, before these questions are asked, I would like to know—

Mr. VELDE. Mr. Witness, you have been subpoenaed here, have you not?

Mr. ATTARIAN. Yes.

Mr. VELDE. You have been subpoenaed as a witness who might possibly have some information concerning subversive activities. Your capacity now is as a witness who can give information to this committee, not to ask questions of the committee.

Now, will you please answer the question that is proposed to you by counsel?

Mr. ATTARIAN. Proceed.

Mr. KUNZIG. I will ask you again: Are you presently employed, and if so, would you please state where?

Mr. ATTARIAN. I refuse to answer this question on the grounds that my answer will tend to cause me to bear witness against myself under the provisions of the fifth amendment to the Constitution.

Mr. KUNZIG. I will ask it this way, Mr. Chairman, so our record is straight: Are you employed by Perry's Studio, 9334 East 14th Street, Oakland, Calif.?

Mr. ATTARIAN. I stand on my previous answer, refusal to answer, decline to answer on the grounds of the fifth amendment.

Mr. KUNZIG. That employment by this Perry's Studio would tend to incriminate you?

Mr. ATTARIAN. I stand on my previous answer.

Mr. KUNZIG. Mr. Attarian, yesterday Mr. Blodgett, in testifying under oath before this committee, said that he had been a member of the Encinal Club of the Communist Party, and as a matter of fact he had been chairman of this unit. Now, particularly, Mr. Attarian, since this is a neighborhood unit, a group unit of the Communist Party, and since it was testified that you were also a member, we would like to ask you if you won't help and cooperate with this committee, tell us whether you were a member of that group of the Communist Party, and then tell about that unit, what you know about it?

Mr. ATTARIAN. This question appears to be a compounded question.

Mr. KUNZIG. I will ask it first simply: Were you a member of the Encinal Club of the Communist Party?

(At this point Mr. Attarian conferred with Mr. Newman.)

Mr. ATTARIAN. I am going to answer this question, or decline to answer it, as I see fit—

Mr. KUNZIG. Would you please do so, then?

Mr. ATTARIAN. I assume that I have a certain amount of privilege in answering this question in my own way; am I correct?

Mr. JACKSON. After you answer it, you can explain your reasons for so answering it.

Mr. ATTARIAN. I decline to answer the question for two reasons: One, it is not my intention to cooperate with this committee. My

reasons for not wanting to cooperate are twofold: One, a very strong personal feeling; secondly, my rights under the fifth amendment to the Constitution. My personal feeling——

Mr. KUNZIG. Now, he answered, I believe, that he will not answer; he refused to answer on the grounds of the fifth amendment, that his answer may in some way tend to incriminate him.

Mr. ATTARIAN. I didn't say that.

Mr. KUNZIG. You are refusing to answer on the grounds of the fifth amendment; is that correct?

Mr. ATTARIAN. That is what I said.

Mr. KUNZIG. That is right.

Mr. JACKSON. What portion of the fifth amendment are you relying on?

(At this point Mr. Attarian conferred with Mr. Newman.)

Mr. ATTARIAN. The entire portion of it.

Mr. JACKSON. Are you also relying on that portion of it which deals with possible self-incrimination in a criminal action?

(At this point Mr. Attarian conferred with Mr. Newman.)

Mr. ATTARIAN. I am relying on the entire fifth amendment.

Mr. JACKSON. Very well, you are standing on the whole amendment.

Mr. KUNZIG. Have you ever been a member of the Communist Party, sir, at any time?

(At this point Mr. Attarian conferred with Mr. Newman.)

Mr. ATTARIAN. I also decline to answer this question on the previous grounds stated.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. ATTARIAN. Same answer.

Mr. KUNZIG. Do you know Charles Blodgett?

Mr. ATTARIAN. I decline to answer this question on the ground of the fifth amendment.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. VELDE. Mr. Jackson.

Mr. JACKSON. No, I have no questions.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. I have no questions.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. No questions.

Mr. VELDE. Is there any reason why this witness should be further continued under subpoena?

Mr. KUNZIG. No, sir.

Mr. VELDE. If not, the witness is dismissed.

At this point I now appoint Mr. Doyle and Mr. Jackson as chairman of a subcommittee for the purposes of the continuing hearings.

Mr. KUNZIG. Mr. Robert Black.

(Representatives Harold H. Velde and Gordon H. Scherer left the hearing room at this time.)

Mr. JACKSON. Do you solemnly swear in the testimony you are about to give to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BLACK. I do.

**TESTIMONY OF ROBERT BLACK, ACCOMPANIED BY HIS COUNSEL,
HUGH B. MILLER**

Mr. KUNZIG. Would you state your name, please, for the record?

Mr. BLACK. My name is Robert Black.

Mr. KUNZIG. Would counsel kindly state his name and office?

Mr. MILLER. Hugh B. Miller, attorney at law, 1095 Market Street, San Francisco, Calif.

Mr. KUNZIG. Mr. Black, would you give us your present address?

Mr. BLACK. 1218 34th Avenue.

Mr. KUNZIG. Where is that?

Mr. BLACK. Oakland.

Mr. KUNZIG. When and where were you born, Mr. Black?

Mr. BLACK. I was born in Dundee, Scotland, January 12, 1915.

Mr. KUNZIG. Are you presently a naturalized citizen?

Mr. BLACK. I became a citizen through my father.

Mr. KUNZIG. When did your father become a citizen, if you can recollect?

Mr. BLACK. Around 1930, 1931.

Mr. KUNZIG. Are you presently employed?

(At this point Mr. Black conferred with Mr. Miller.)

Mr. BLACK. Well, I am going to have to refuse to answer that question, and I have a number of reasons why.

Mr. KUNZIG. Let us make it clear, you don't have to refuse.

Mr. BLACK. I do refuse to answer that question for the reasons I am going to state now: First, on the grounds that this committee is violating my rights and the rights of all Americans which are guaranteed by the first amendment to the Constitution, that is, the right of association, the right to belong to organizations of one's own choosing, freedom to speak one's own mind, read books, magazines, newspapers, and so forth, the right to peaceful assembly to petition the Government for a redress of grievances.

This committee is inquiring into a field where it has no right to legislate.

Mr. JACKSON. Excuse me.

Mr. BLACK. That is an area of opinions, ideas, and the like.

Mr. JACKSON. Are you reading from a prepared statement, sir?

Mr. BLACK. It is just a few notes I have.

Mr. JACKSON. A few notes. Would you furnish them to the committee at the conclusion of your testimony, sir?

Mr. BLACK. Certainly.

Mr. JACKSON. And if it develops to be a prepared statement, the committee will take it under its advisement as to the inclusion into the record in accordance with the rules of the committee.

Mr. KUNZIG. Do you refuse to answer this question on the grounds of the fifth amendment? You are going to get to the fifth amendment eventually, so would you mention it if you desire to?

(At this point Mr. Black conferred with Mr. Miller.)

Mr. KUNZIG. The question is, Where are you employed?

Mr. BLACK. I am refusing, and I insist on being able to give all my reasons for doing so. (Voluntary statement made by the witness was ordered stricken from the record by the chairman.) Therefore I invoke the fifth amendment and any other provisions of the Consti-

tution that will protect me and other American people from inquisitions.

Mr. JACKSON. Is that the end of your statement, sir?

Mr. BLACK. Yes.

Mr. JACKSON. May I have a copy of your statement?

(At this point Mr. Black conferred with Mr. Miller.)

Mr. JACKSON. Will the reporter please read back the statement made by the witness?

(Whereupon the reporter read the statement.)

Mr. JACKSON. That is sufficient.

This is quite obviously a prepared statement, prepared in advance of the hearings and read in violation of the rules of the committee. Rule 9 of the committee states:

Any witness desiring to make a prepared or written statement for the record of proceedings in executive or public session shall file a copy of such statement for the counsel of the committee within a reasonable period of time in advance of the hearing at which the statement is to be presented. All such statements so received which are relevant and germane to the subject of the investigation may, upon approval at the conclusion of the testimony of the witness, by a majority vote of the committee or subcommittee members present, be inserted in the official transcript of the proceedings. Footnote: Statements which take the form of personal attacks by the witness upon the motives of the committee, the personal character of any Members of the Congress or of the committee staff in statements clearly in the nature of accusation are not deemed to be relevant nor germane.

In light of that and in light of the fact that this is quite obviously a prepared statement, it will be received and considered for inclusion in the record. In the interim it will be stricken from the record.

Mr. MILLER. May the record show what Congressmen and how many are present in the room at the present time?

Mr. JACKSON. Yes. The full subcommittee of two appointed by the chairman before his departure is present, a subcommittee consisting of Congressman Doyle, Congressman Jackson, a duly constituted subcommittee of the House Committee on Un-American Activities under the rules of the House of Representatives.

Proceed, Mr. Counsel.

Mr. KUNZIG. Mr. Black, are you a printer for the Oakland Tribune?

(At this point Mr. Black conferred with Mr. Miller.)

Mr. BLACK. I think I have already answered that question, and if not, I want to make it clear that I am standing again on the same reason I gave.

Mr. JACKSON. I think at this point I should point out to counsel that in answer to the first question, which was dealt with by this statement, that the last part of it dealt with the inclusion of the fifth amendment. I call that to counsel's attention for the protection of the witness because in striking this, if it is not included by the committee action, it will have the effect of leaving no refusal on the first question answered.

Mr. MILLER. I take it in striking the answer then you strike the question.

Mr. JACKSON. I think perhaps you had better repeat the questions in order that the declinations may be entered in the record.

Mr. KUNZIG. I will repeat the question. The first question was, are you presently employed?

(At this point Mr. Black conferred with Mr. Miller.)

Mr. BLACK. I thought I had answered the question, but if not, I refuse to answer on the grounds of the first and fifth amendments.

Mr. KUNZIG. Now, the next question, and that is, are you employed as a printer for the Oakland Tribune?

Mr. BLACK. I refuse to answer that question for the same reasons.

Mr. KUNZIG. May I ask, do you feel that employment by the Oakland Tribune incriminates you? It is difficult to see how employment by the Tribune would incriminate anyone.

Mr. BLACK. I don't think that my feelings are pertinent to the inquiry of this committee.

Mr. KUNZIG. But you refuse to answer as to whether you are employed by the Oakland Tribune because to do so might tend to incriminate you, is that right?

Mr. BLACK. I refuse to answer that question or any question regarding my employment, people whom I associate with or anything else under the grounds of the fifth amendment of the Constitution.

Mr. KUNZIG. I have here, Mr. Chairman, the testimony taken in executive session before the House Committee on Un-American Activities, testimony of Bertha Grover, G-r-o-v-e-r, who under oath testified that she had worked as an undercover agent for the Federal Bureau of Investigation.

That was in the Communist Party, of course.

When asked the following question, her answer was given in this fashion:

Question. Will you identify for the committee people with whom you met as members of the Communist Party during your membership in the southwest Berkeley group?

Answer. Robert Black, Gladys Black; southwest Berkeley, Willie Laughery, Ozzo, O-z-z-o, Marrow. M-ar-r-o-w, Ray Thompson, Ray Halpern, H-a-l-p-e-r-n, Calvin Batiste, B-a-t-i-s-te, Marie Calloway, C-a-l-l-o-w-a-y, Warner Calloway, Fred Williams, Herb and Bernice Kalman.

Then she goes on and says,

No, Teresa, not Bernice. Andrew Mays, M-a-y-s, Freddie Walker, Frank Parsons, Katrina and Jack Manley. They were in that club, but I can't remember the person——

Then as to the present witness, Robert Black, with regard to membership in the Southwest Berkeley Club of the Communist Party.

I ask you: Have you ever been a member of the Southwest Berkeley Club of the Communist Party?

Mr. BLACK. I have already stated I will not answer any questions regarding any associations I have had in the past or present, and I am invoking the first and fifth amendments again.

Mr. JACKSON. And decline to answer the question?

Mr. BLACK. And certainly decline to answer the question.

Mr. KUNZIG. The witness, Bertha Grover, then was asked further questions, and she answered——

I was transferred to the Whitney Club, the Anita Whitney Club.

Question. During your membership in the Anita Whitney Club will you identify those persons with whom you met as members of the Communist Party?

Answer. Robert Black, Gladys Black, Roger Capelle, C-a-p-e-l-l-e, Frances Capelle, Carl Hanson, Bernice Kalman, K-a-l-m-a-n, Eugene Kalman, Herb Kalman, Ted Kalman, Jim McFadden, Edith Sharpe, Leila Thompson, Gertrude Warwick, W-a-r-w-i-c-k, Dick Younce, Y-o-u-n-c-e, Nat Yanish, Ann Yanish, Ruth McGovney May of the southwest Berkeley group, Eleanor Smith, Joe Eisler, E-i-s-l-e-r, Marge Eisler, Elizabeth Barlow, B-a-r-l-o-w, Edward Barlow, Gertrude Warwick,

Hazel Peters, Dave Blodgett, Charlie Busk, B-u-s-k. Hazel Peters is the one who was out getting subscriptions for the National Guardian.

I now ask you, based upon this sworn testimony by an undercover agent for the Federal Bureau of Investigation, have you ever been a member of the Anita Whitney Club of the Communist Party? The committee will, of course, recall that Charles Blodgett testified yesterday—

(At this point Mr. Black conferred with Mr. Miller.)

Mr. KUNZIG (continuing). That this witness was a member of the Anita Whitney Club.

Mr. BLACK. I have already given the reasons to refuse to answer that question. I stand on the fifth amendment.

Mr. KUNZIG. I have two more questions. Have you ever been a member of the Communist Party, any group whatsoever, at any time?

Mr. BLACK. I refuse to answer for the same reasons.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. BLACK. Same reasons; same answer.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. No questions.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. KUNZIG. No, Mr. Chairman.

Mr. JACKSON. The witness is excused.

Mr. KUNZIG. Bernice Kalman.

Is Bernice Kalman in the room? If so, would she please come forward?

Miss KALMAN. Before being sworn, I would like to tell you that my attorney is not here at present. He was unable to come this morning, and he must have misunderstood the directions. He is not here, and I would like to be represented by counsel.

Mr. JACKSON. Very well. Under the circumstances I think this should be set over until either this afternoon or tomorrow.

Mr. KUNZIG. Can you be back this afternoon, Miss Kalman?

Miss KALMAN. Yes; I will.

Mr. KUNZIG. Postpone this for the moment because counsel is not present. Will your counsel be able to be present this afternoon?

Miss KALMAN. I think he will.

Mr. JACKSON. Will you make an effort to get in touch with him?

Miss KALMAN. I will try.

Mr. JACKSON. Thank you. Call your next witness, Mr. Counsel.

Mr. KUNZIG. Marjorie Canright.

Mr. JACKSON. Will an officer check in the hallway to see if the witness is here?

Mrs. ROBERSON. The witness has asked me to inform the committee that her attorney, Mr. Brodsky, expected her to be called this afternoon.

Mr. JACKSON. Would you kindly identify yourself?

Mrs. ROBERSON. I am Doris Brin Walker, attorney at law.

Mr. JACKSON. And her lawyer?

Mrs. ROBERSON. Her lawyer is Mr. Brodsky, and I believe that he was informed by Mr. Tavenner or this gentleman that Mrs. Canright would be called this afternoon.

Mr. JACKSON. I see.

Mr. KUNZIG. We will gladly put it off until this afternoon if counsel cannot be present.

Mr. JACKSON. Will you please be back at 2 o'clock this afternoon.

Mr. KUNZIG. Doris Walker Roberson.

Mr. JACKSON. Do you solemnly swear in the testimony you are about to give to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. ROBERSON. I do.

TESTIMONY OF DORIS BRIN WALKER ROBERSON, ACCOMPANIED BY HER COUNSEL, GEORGE OLSHAUSEN

Mr. KUNZIG. Would you state your name, please?

Mrs. ROBERSON. The name under which I practice law is Doris Brin Walker. I was widowed in 1951 and remarried last year. As a result of that marriage my married name is now Roberson, D-o-r-i-s B-r-i-n W-a-l-k-e-r R-o-b-e-r-s-o-n.

May I inquire your name again, please, counsel? I didn't get it the first time.

Mr. KUNZIG. My name is Robert L. Kunzig, K-u-n-z-i-g, counsel for the committee, member of the bar of Philadelphia County, Pa.

Mrs. ROBERSON. Thank you, Mr. Kunzig.

Mr. KUNZIG. All right. Now, Mrs. Roberson, would you please state your address?

Mrs. ROBERSON. 1268 Clayton Street, San Francisco.

Mr. KUNZIG. And you are a member of the bar of San Francisco County?

Mrs. ROBERSON. Yes, I am.

Mr. KUNZIG. When were you born, Mrs. Roberson?

Mrs. ROBERSON. I was born in Dallas, Tex., on April 29, 1919.

Mr. KUNZIG. There was testimony under oath before this committee by Mr. Hill the other day that he knew you as a member of the Communist Party.

Mrs. ROBERSON. May I delay my answer until this photographer finishes? I can't see, to tell you the truth, because of the flashbulbs.

Mr. Kunzig, may I point out that I have been rather more fortunate than Mr. Treuhaff. After asking four lawyers to represent me, I was fortunate enough to obtain extremely competent counsel, and I would like my counsel to be on the record.

Mr. KUNZIG. Yes, would counsel please identify himself?

Mr. OLSHAUSEN. George Olshausen, O-l-s-h-a-u-s-e-n.

Mr. KUNZIG. And your office address?

Mr. OLSHAUSEN. I have no office.

Mr. KUNZIG. Of what county are you a member of the bar?

Mr. OLSHAUSEN. San Francisco.

Mr. KUNZIG. Thank you, sir.

Have you ever been a member of the Communist Party, is the question.

Mrs. ROBERSON. Which is the question, Mr. Kunzig?

Mr. KUNZIG. I will ask you: Have you ever been a member of the Communist Party?

Mrs. ROBERSON. You know, it is very interesting, Mr. Kunzig. I was present during Mr. Hill's testimony and listened with great interest. I wonder if you noticed that he identified my name or a portion of my name, Doris Walker Roberson, as some person he knew during the period he said he was in the Communist Party; that is, the period 1945-49. As I just got through informing the committee, my name did not become Roberson until 1952.

Mr. JACKSON. That is hardly responsive to the question. There is a question pending.

Mrs. ROBERSON. I see no real reason why I should match my veracity against a witness who claims he knew me under a name that I didn't have for a period of some 3 to 7 years before I had it.

Mr. JACKSON. Very well. All that is necessary is for you to state that the identification is false.

Mrs. ROBERSON. I don't intend to match my veracity with a witness of the caliber of Dickson Hill, a man who not only testified he knew me under a name I didn't have, but who had to be led through practically all of the testimony that he did give.

Mr. KUNZIG. Then I will just—

Mrs. ROBERSON. A practice frowned on by the courts, incidentally.

Mr. KUNZIG. I will ask you a very simple question once again which obviously you will probably not answer. Have you ever been a member of the Communist Party?

Mrs. ROBERSON. Mr. Kunzig, and members of the committee, in view of the announced purpose of this committee and in view of the kind of testimony that we have had here the last few days, particularly yesterday, I wouldn't tell this committee if I was a member of the Republican or Democratic Parties.

Mr. JACKSON. The committee is not asking you about your political affiliation. We are asking you whether or not you were ever a member of an international conspiracy which seeks the destruction of this country. It is quite a different thing, and I wish you would answer. Do you decline to answer the question now pending?

Mrs. ROBERSON. Oh, yes, I do—Mr. Jackson, it is? Yes, I definitely do, Mr. Jackson.

Mr. JACKSON. And upon what grounds?

Mrs. ROBERSON. Well, I have a number of grounds.

Mr. JACKSON. Very well.

Mrs. ROBERSON. Are you an attorney, Mr. Jackson?

Mr. JACKSON. No, I am not.

Mrs. ROBERSON. Well, Mr. Kunzig, as an attorney, will recognize the importance of stating all of the legal grounds for a position.

Mr. JACKSON. Yes, they are important. Let us get to them.

Mrs. ROBERSON. I will; I will state my legal grounds.

Mr. KUNZIG. Would you, just for the sake of variety, state the fifth amendment first instead of last?

Mrs. ROBERSON. I think I will state them in the order in which I have prepared myself to state them. Of course, I knew that this question would be asked.

Mr. KUNZIG. Oh, you did?

Mrs. ROBERSON. I prepared myself in somewhat the same manner that a lawyer prepares himself for a legal argument.

Mr. JACKSON. Very well. Mr. Counsel, let the witness proceed to give her answer.

Mrs. ROBERSON. First of all, article I of the Constitution assigns to the Congress the legislative function of government. As you know, article II assigns the executive function to the executive branch of government; and article III assigns the judicial function to the judiciary.

Under article I the Congress and committees like this one are limited to legislative functions. This committee has already announced that its function is not legislative, when, in the statement that a spokesman for the committee made to the San Francisco Examiner on November 2, the committee stated that its purpose was to identify and in effect isolate or, I believe the phrase was, leave high and dry the hundred top Communists in this area.

I gather from this that the purpose of the committee is to dictate to the people of the Bay area with whom to associate and whom to ostracize, and this is not—

Mr. JACKSON. Again your assumptions are not legal reasons.

Mrs. ROBERSON. This is not a legislative function, Mr. Jackson.

Mr. JACKSON. One does not have to be an attorney to know that the reasons you are giving are not legal reasons. They are opinions of your own; they are assumptions that you have made.

Mrs. ROBERSON. That isn't true, Mr. Jackson.

Mr. JACKSON. Will you proceed.

Mrs. ROBERSON. I heard Mr. Kunzig ask Mr. Black, I believe it was—one of the earlier witnesses a moment or so ago—what his occupation was, and when Mr. Black refused to answer, invoking the fifth amendment as he had a legal right to do, Mr. Kunzig then asked him if it wasn't true that he was a printer employed by the Oakland Tribune.

Now, if that isn't an attempt to isolate and to do harm and grave personal injury to people in this area, I never heard one in my life, and that is not a legislative function, and it is one of the legal grounds for my refusing to answer this question.

Mr. JACKSON. Very well, you are—

Mrs. ROBERSON. I have other legal grounds.

Mr. JACKSON. Very well; if you will state your legal grounds for answering and not your assumptions—

Mrs. ROBERSON. I intend to do so. The first ground was legal, and it was certainly not an assumption.

It is clear to me in this regard, by the way, that your purpose in bringing me here is certainly not to further any proposed legislation that may or may not come from this committee; I believe the record will show that this committee has proposed no legislation which has been adopted, but rather—

Mr. KUNZIG. Mr. Chairman, just a minute. Let us get some facts before this committee. There is a law of 1950, the present law of this land, the Internal Security Act of 1950, which was based upon years of study in this committee.

Mr. JACKSON. The Smith Act, of which the Communists are so fond, came in large part out of the legislative recommendations of this committee, so if your other assumptions are as ill-founded as your last statement, it would be very helpful if you would proceed to those

things on which there is no question, such as your constitutional privileges.

Mrs. ROBERSON. I understood the Smith Act was passed in 1940, but—

Mr. KUNZIG. That is correct.

Mrs. ROBERSON. I would like to raise another objection.

Mr. JACKSON. No, we are not interested in your objections. We are interested in obtaining from you the legal reasons—

Mrs. ROBERSON. I misstated myself, Mr. Jackson. I forgot myself. The atmosphere is just enough like that of a court so that I used the word "objection" when I intended to state another legal reason, and I beg the committee's pardon.

(At this point Mrs. Roberson conferred with Mr. Olshausen.)

Mr. JACKSON. Will you state one legal reason for your refusal to answer?

Mrs. ROBERSON. I will state one right now I had not noticed. My counsel just called to my attention that there is not a quorum of this committee present.

Mr. JACKSON. Let it be put in the record again, Mr. Velde, upon his departure from this room, and in accordance with the rules of the House of Representatives, designated a subcommittee of two, consisting of Mr. Doyle and myself, to conduct the hearings this morning. It is a perfectly legal subcommittee and has been so held in many court actions. The subcommittee was designated as a subcommittee of two. I wish you would get to the gist of your objections, if it is not asking too much.

Mrs. ROBERSON. May my exception to your ruling be noted for the record?

Mr. JACKSON. Yes, your exception is noted.

Mrs. ROBERSON. Thank you.

Not only has this committee by its own statements and actions showed that it is not acting here in pursuit of any legislative purpose, but the committee is actually arrogating unto itself a function which has not been granted to the Federal Government at all. Rather, it is acting in a field which is reserved to the people of the United States under the ninth and tenth amendments.

Mr. KUNZIG. Mr. Chairman, I don't believe we are here to have legal lectures from this lawyer. I respectfully request that she answer the question. Have you ever been a member of the Communist Party? That is the question.

Mr. JACKSON. Let us strike from the record any reference to the witness' ability in the legal field.

Mrs. ROBERSON. Thank you, Mr. Jackson.

Mr. JACKSON. I think in the exercise of this precious thing called freedom of speech that we had better let the witness continue and ask her indulgence to the extent of finishing as quickly as possible.

Mrs. ROBERSON. I certainly intend to do so. If I had fewer interruptions, I would be through much quicker.

As I was saying, this committee is attempting to investigate or take action in a field which is forbidden to it and to every branch of the Federal Government by the ninth and tenth amendments. There is no section of the Constitution which delegates to the Federal Govern-

ment the right to investigate or dictate the thought, speech, political opinion, or conscience of the people.

Incidentally—and I think I may quote President Eisenhower, perhaps, without fear of guilt by association, although I read in the press that he was once in a meeting with Harry Dexter White—President Eisenhower was quoted on this point in the *San Francisco Chronicle* on November 24. He said that the code by which Americans live includes the right to “speak your mind and be protected in it.”

This is the right which is guaranteed by the first amendment, and it is not any function of government to interfere with that right.

Moreover, the committee cannot justify its record by claiming that it is investigating crime. The Constitution assigns that function, the function of investigating crime, to the executive branch of the Government, and although it is an incidental result of the actions of this committee that people get punished, the committee cannot justify its actions by claiming that it is punishing crime, since the Constitution assigns that function to the judicial branch of government.

Moreover, persons accused of crime are guaranteed certain rights by the sixth amendment, which this committee denies me and other witnesses subpoenaed before it. On this point let me say, so there may be no misunderstanding, I have committed no crimes. I have never been charged with committing a crime. I never plan to be. But innocent persons before now have been convicted, imprisoned, even executed, and therefore my protection does not lie alone in my innocence of any crime.

A few hundred years ago physical torture was used to force a confession from one accused, regardless of his guilt or innocence, and it was to protect the innocent that the law came to forbid any form of compulsion to force a witness to testify against himself. This principle, embodied in the fifth amendment, is a part of the Bill of Rights, and it is because I am innocent of any crime that I rely, in addition to the other grounds stated, upon the provision of the Constitution which is specifically designed to protect the innocent. In this connection I call the committee's attention to the opinion of the United States Supreme Court in *Twining v. New Jersey*. You may want to take this citation down, Mr. Jackson, because in sitting here the last few days I have heard you state time and time again where the witness is relying on the fifth amendment that you were left only with the assumption that they must be guilty of some crime or some subversive activity because they so relied on the fifth amendment.

That is not the law, Mr. Jackson. The citation is 211 United States Reporter at page 78. The Supreme Court said in that case that this portion of the fifth amendment was regarded at the time our Nation was founded as it is now, and here I quote—

as a privilege of great value, a protection for the innocent, though a shield for the guilty, and a safeguard against the heedless, unfounded, or tyrannical prosecutions.

Incidentally, the Court of Appeals for the Ninth Circuit, that is the circuit which includes California, has held likewise in the case of *United States v. Spector*—I don't have the citation handy, but I would be glad to make it available to counsel or to you, Mr. Jackson.

For all of the reasons stated I will not be a party to McCarthyism, what Mr. Truman has described as McCarthyism in referring to the

actions of this committee when he also stood upon the Constitution and refused to respond to a subpoena from this committee.

He said at that time that——

Mr. JACKSON. May I say to the witness that the Chair has been very lenient in listening to a dissertation which the committee has heard in one form or another on a thousand occasions. The witness assured the Chair that she would be brief.

Mrs. ROBERSON. Mr. Jackson, it was not my choice that you take this road show on the road. I am sorry you have had to listen to this explanation so many times, but it happens to be the law.

Mr. JACKSON. I am sorry I had to listen to it, too, but I have no choice. I am a captive audience of yours, and I can't do very much about it.

Mrs. ROBERSON. I did not invite you to San Francisco, nor did I invite you to serve me with a subpoena.

Mr. JACKSON. No; but the duty imposed upon us by the Congress of the United States forces us to listen to it, and I can think of many more pleasant things to do.

Mrs. ROBERSON. I am sure this committee could decide to fold the show up.

Mr. JACKSON. Are you standing upon the fifth amendment of the Constitution?

Mrs. ROBERSON. I am standing upon the legal argument which I just made, slightly interrupted.

Mr. JACKSON. Have you completed your argument?

Mrs. ROBERSON. If you will give me a moment to look in my notes, I will tell you.

Mr. JACKSON. Very well.

Mrs. ROBERSON. For the moment I have completed my argument, thank you, Mr. Jackson.

Mr. JACKSON. You are quite welcome; and your reasons have all been stated in your argument?

Mrs. ROBERSON. I believe they have been.

Mr. JACKSON. Very well. Proceed, Mr. Counsel.

Mr. KUNZIG. Did you ever use the name "Dobie" as a first name, I presume, nickname?

Mrs. ROBERSON. What is the relevance of that question and the purposes of this committee?

Mr. KUNZIG. Just answer the question.

Mrs. ROBERSON. I think I have a right to inquire as to the relevance.

Mr. JACKSON. The committee will decide as to the relevance of it. Will the witness kindly answer the question?

Mrs. ROBERSON. Well, if the question is not relevant, I don't see why I should answer it, and if it is relevant, in view of everything I have said, I certainly am not going to answer it.

Mr. JACKSON. May I ask counsel, is this a matter of identification?

Mr. KUNZIG. Yes. The witness yesterday stated that he knew her under the name of "Dobie."

Mr. JACKSON. Very well.

Mr. KUNZIG. Did you ever use the name "Dobie" as a nickname, any name or appellation attached to you?

Mrs. ROBERSON. You are asking me this question, Mr. Kunzig, because the witness Dickson Hill said that he had known me under that name; is that correct?

Mr. KUNZIG. Just answer the question, please. We are asking; you answer.

Mrs. ROBERSON. Well, I must decline to answer the question. I can't see that the answer to this question will forward the purpose of this committee, if it is a legislative purpose, and if it isn't a legislative purpose, it is forbidden to this committee by article I of the Constitution.

Mr. JACKSON. Do you so decline?

Mrs. ROBERSON. I do so decline.

Mr. JACKSON. For the reasons previously stated?

Mrs. ROBERSON. Oh, yes, yes.

Mr. JACKSON. Very well, so that will be clear on the record. Go ahead, Mr. Counsel.

Mr. KUNZIG. Have you ever been an organizer for the Communist Party among the cannery workers?

Mrs. ROBERSON. Mr. Kunzig, it was Mr. Jackson who wanted to go to lunch at 12 o'clock, and I am perfectly ready to go now. Aren't you just wasting —

Mr. JACKSON. I will postpone it. Answer the question.

Mrs. ROBERSON. It is obviously a waste of time. I can't understand why you pursue this line of inquiry. I can repeat —

Mr. KUNZIG. I think you understand very well.

Mrs. ROBERSON. I can repeat my legal argument if you wish me to do so.

Mr. KUNZIG. You are refusing to answer on the grounds of the fifth amendment because you might incriminate yourself, is that the answer?

Mrs. ROBERSON. I refuse to answer on all the grounds I stated; that includes articles I and II of the Constitution and amendments 1, 5, 6, 9, and 10.

Mr. JACKSON. Proceed, Mr. Counsel.

Mr. KUNZIG. I would like to ask if you ever took an oath upon becoming a member of the bar.

Mrs. ROBERSON. I believe that I did.

Mr. KUNZIG. Were you a member of the Communist Party when you took that oath?

Mrs. ROBERSON. Well, I am getting hungry if you are not, Mr. Kunzig. Really, although, as I say —

Mr. KUNZIG. Do you refuse to answer that question?

Mrs. ROBERSON. I would like to make my argument again. It might be clearer that you are just wasting your time and mine and the committee's and everyone else's.

Mr. JACKSON. We can save it if you will simply decline to answer.

Mrs. ROBERSON. Obviously I decline to answer. Why go through this farce?

Mr. JACKSON. For all the reasons previously stated?

Mrs. ROBERSON. For all the reasons previously stated.

Mr. JACKSON. Proceed, Mr. Counsel.

Mr. KUNZIG. Were you a member of the bar at the time you acted as an organizer for the cannery workers for the Communist Party, if you did so act?

Mrs. ROBERSON. That is one of these compound questions that Mr. Speiser of the American Civil Liberties Union has been objecting to.

Mr. KUNZIG. He is not representing you. Just answer for yourself.

Mrs. ROBERSON. I think his point was very well taken. Do you mind breaking the question down?

Mr. KUNZIG. Were you a member of the bar when you acted as organizer for the Communist Party in the cannery workers group? (At this point Mrs. Roberson conferred with Mr. Olshausen.)

Mr. KUNZIG. If you so acted?

Mrs. ROBERSON. What was that last aside, Mr. Kunzig? I didn't hear it.

Mr. KUNZIG. If you so acted, Mrs. Roberson.

Mrs. ROBERSON. It is now in three parts.

Mr. KUNZIG. You were asked the question as to whether you were an organizer of the Communist Party in the cannery workers, and you saw fit to refuse to answer that one, you see. Now I am asking you whether you were a member of the party at the time that you acted as an organizer.

Mrs. ROBERSON. Since I declined to answer, Mr. Kunzig, it must be apparent to you as a Philadelphia lawyer that you are assuming facts not in evidence. How can I answer such a question?

Mr. JACKSON. Mr. Counsel, I would like to ask one question. Are you now a member of the Communist Party?

Mrs. ROBERSON. Shall I go through my argument again?

Mr. JACKSON. Spare us the speech. I would just like to have a declination or an answer.

Mrs. ROBERSON. Mr. Jackson, as I told you at the beginning of this little—

Mr. JACKSON. Yes, I remember that. I remember all you told the committee. Will you please answer the question?

Mrs. ROBERSON. I would not state to this committee whether or not I was a member of the Republican or Democratic Parties in view of the kind of testimony which has been given this committee in the last few days.

Mr. JACKSON. Do you decline to answer the question?

Mrs. ROBERSON. Particularly I wouldn't tell if I were a member of the Democratic Party.

Mr. JACKSON. Will you please answer the question pending?

Mrs. ROBERSON. I decline to answer the question, as you knew that I would.

Mr. JACKSON. Yes; I was quite confident you would.

Mrs. ROBERSON. Why put the question?

Mr. JACKSON. Is there any further reason why the witness should not be excused?

Mr. KUNZIG. No; there is nothing further.

Mr. JACKSON. The witness is excused.

The committee will stand in recess until 2 o'clock this afternoon.

(Whereupon, at 12:20 p. m., the hearing was recessed, to reconvene at 2 p. m. of the same day.)

AFTERNOON SESSION

(At the hour of 2:05 p. m. of the same day, the hearing was resumed, the following committee members being present: Representatives Harold H. Velde (chairman), Donald L. Jackson, Gordon H. Scherer, and Clyde Doyle.)

Mr. VELDE. The committee will be in order, please.

Let the record show that I have set up a subcommittee consisting of Mr. Jackson, Mr. Scherer, Mr. Doyle, and myself as the chairman for the purposes of the continued hearings.

Proceed, Mr. Counsel.

Mr. KUNZIG. Mr. Chairman, I should like first to state for the record, because it is important that the record at all times here be correct, the purpose of this committee and the law, Public Law 601 of the 79th Congress, passed by that Congress and signed by the then President of the United States, which gives this committee not only a power, but an absolute duty, and every Congressman appointed to this committee, to carry out that law.

There has been a great deal of quoted law here this morning, and we want to be sure that the record stands corrected, not as quoted at the present moment.

Public Law 601 gives the Committee on Un-American Activities the following duty:

Authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States; (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution; and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

This committee is in San Francisco, Calif., pursuant to that law and following the duty imposed by that law to investigate subversive activities in the United States of America.

I now wish to call James Walker Benet.

Mr. VELDE. In the testimony you are about to give before the subcommittee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BENET. I do.

(Representative Donald L. Jackson left the hearing room at this point.)

TESTIMONY OF JAMES WALKER BENET II

Mr. KUNZIG. Would you state your name, please?

Mr. BENET. My name is James Walker Benet II.

Mr. KUNZIG. I see that you are not accompanied by counsel, Mr. Benet. You know that you have, of course, the right before this committee to have counsel if you so desire. Is it your desire to testify without counsel?

Mr. BENET. Yes, it is. I would like to offer you this statement for inclusion into the record with my testimony at this point.

Mr. KUNZIG. Mr. Chairman, of course the rules require that this statement by the witness be filed within a reasonable period of time in advance of the hearing, but I recommend under the circumstances that the statement be accepted to be filed and considered by the committee in due accordance with our rules and regulations.

Mr. VELDE. It is so instructed.

Mr. KUNZIG. I shall pass the statement to the clerk.

Now, would you state where you were born, sir, and when?

Mr. BENET. I was born in Port Washington, Long Island, N. Y., January 7, 1914.

Mr. KUNZIG. What is your present address?

Mr. BENET. 2121 Vallejo Street, San Francisco.

Mr. KUNZIG. Where are you employed, sir?

Mr. BENET. At the San Francisco Chronicle.

Mr. KUNZIG. Have you ever used the name of Jim Thompson?

Mr. BENET. No, sir.

Mr. KUNZIG. Have you ever used any alias of any kind whatsoever?

Mr. BENET. Not that I can recall.

Mr. KUNZIG. Mr. Chairman, I should like to quote from sworn testimony before this committee by Martin Berkeley.

Question. Were [Martin Berkeley] you assigned to any particular club at that time?

Answer. No, sir.

Question. Or a unit of the party?

Answer. I was kept in that particular Patrick Henry Club of the Communist Party.

Question. Do you recall the names of any of the other members of the group?

Answer. I do, sir. The chairman of our group, which at the time I joined we had about 75 members, and within 6 weeks we had approximately 175 members, and it then split up and took some more loft buildings, but the head of the group was Jim Thompson, who was either a brother or a cousin of Robert Thompson, one of the convicted top Communists. Also in the group was Isidor Schneider, editor and contributor to New Masses; William Browder, who was a brother of Earl Browder; a man named Lee Sabinson, who at that time was a screen writer, and who is now a very well known Broadway producer. I will say that most of the members of the group were workingmen, with just this handful of intellectuals who were artists in this particular group.

This is now from the supplemental sworn statement:

As head of the first group to which you [Martin Berkeley] were assigned you identified Jim Thompson. Is Jim Thompson the correct name of the individual?

Answer. No.

Question. What is his correct name?

Answer. James Walker Benet.

Question. Will you further identify James Walker Benet?

Answer. Jim Benet was the head of my first group in the Communist Party in New York known as the Patrick Henry Club. My understanding is that sometime in 1936 or 1937—I do not recall the exact date—he went to Spain. He is the son of William Rose Benet, the poet. I joined the Communist Party in New York in the early fall of 1936 and left for Hollywood, Calif., during the middle of January 1937. I knew him through that period as a Communist and a leader of the group with which I was associated.

Mr. Benet, do you wish to confirm or deny that testimony?

Mr. BENET. This is supposed to have taken place in what year?

Mr. KUNZIG. Will you read the testimony back?

Mr. BENET. I just wanted to make certain of the year you mentioned.

Mr. KUNZIG. He talks about 1937, 1936. I will get the further year for you in a moment. If you will indulge us just a moment, Mr. Chairman, we will get the exact date he wants.

The year 1936 or 1937 was given in this testimony in connection with your going to Spain.

Mr. BENET. I see. The question is whether I wished to affirm or deny this testimony?

Mr. KUNZIG. Yes, sir.

Mr. BENET. Is that it? Well, there are a great many statements involved there. I will say this, that I think that the questioning and

the testimony of this witness is an attempt to link me to things in connection with which a prosecution might possibly be brought against me. I will not answer the question further, and I will depend on my rights under the fifth amendment not to testify against myself.

Mr. KUNZIG. Mr. Benet, did you fill out a form asking for a passport in which you indicated that the purpose of your trip was travel to England, Holland, and Germany, intending to return to the United States within 1 year?

Mr. BENET. I certainly applied for a passport in 1937. I have no recollection of what purposes were stated on it.

Mr. KUNZIG. Is that the first passport you applied for at any time?

Mr. BENET. Yes; I believe it was.

Mr. KUNZIG. On that passport did you go abroad and then go through France, down to Spain, and fight in Spain?

Mr. BENET. I certainly did go to Spain. I didn't need the passport to enter Spain, however.

Mr. KUNZIG. When you left the United States of America and you made your application for passport, you stated:

I intend to return within 1 year, and I intend to visit the following countries for the purpose of travel: England, Holland, and Germany.

Did you at that time intend to go to Spain?

Mr. BENET. You are asking me about something a long time ago. As I say, I have no recollection of what was stated on the application, and as I said, I did go to Spain. I am not going to attempt to recall my state of mind.

Mr. KUNZIG. Have you ever been a member of the Communist Party?

Mr. BENET. I will refuse to answer that question, too, on the same ground, that the fifth amendment protects me from being compelled to testify against myself.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. BENET. No.

Mr. KUNZIG. Were you a member of the Communist Party yesterday?

Mr. BENET. I think that the question is somewhat absurd.

Mr. KUNZIG. I don't think it is in the slightest. It is very simple. Were you a member of the Communist Party yesterday? You said already under oath that you are not now a member of the Communist Party?

Mr. BENET. Yes, I recall my answer, sir. Again I think the question is absurd.

Mr. KUNZIG. Would you kindly answer it?

Mr. BENET. I didn't have time to do anything yesterday. I was here listening to this committee's hearings under subpoena, but I will answer the question, absurd as it is: No, I was not yesterday.

Mr. KUNZIG. All right. Were you a member of the Communist Party 1 month ago?

Mr. BENET. Since you evidently intend to go back and attempt to pin down dates, I will say that to further questions like this one I will decline to answer on the grounds I have stated.

Mr. KUNZIG. So as to 1 month ago you refuse to answer on the grounds of the fifth amendment?

Mr. BENET. That is correct.

Mr. KUNZIG. Were you a member of the Abraham Lincoln Brigade when you were in Spain?

Mr. BENET. I was for a part of the time I was there; yes.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Did you know Martin Berkeley, the man whose testimony counsel just read to you?

Mr. BENET. I don't recall his name after a period of what he states to have been 16 or 17 years. I may have met such a person that long ago, but I don't remember his name at this moment.

Mr. SCHERER. Is any part of the testimony of Martin Berkeley which counsel read to you true, witness?

Mr. BENET. I don't know. He named a lot of people about whom he said certain things. I couldn't tell you.

Mr. SCHERER. Well, is any part of the testimony of Martin Berkeley with reference to you true?

Mr. BENET. Yes, sir; he accurately named my father.

Mr. SCHERER. Is that all?

Mr. BENET. He inaccurately stated that I am related to Bob Thompson, who was convicted under the Smith Act. That is not true.

Mr. SCHERER. Well, now—

Mr. BENET. At least I assume it is not. As far as I know, there is no relation. He may go back to Massachusetts a hundred years ago, too.

Mr. SCHERER. Having had your recollection refreshed by the testimony read by counsel, did you ever use the alias of Jim Thompson?

Mr. BENET. Not to the best of my recollection.

Mr. SCHERER. Do I understand you to say now that you can't remember whether you knew this man, Berkeley, or not?

Mr. BENET. Yes, sir; that is what I said. That is true.

Mr. SCHERER. Was there anything in the testimony of Martin Berkeley as read to you that you know to be false, particularly with reference to yourself?

Mr. BENET. Well, I think that is rather tricky. Along that line of questioning you could compel me—or you could lead me to answer a question which I have already declined to answer under my constitutional rights, and I think I won't answer any more questions about that testimony so far as I can see at the moment.

Mr. SCHERER. All right. You have a perfect right to decline to answer it if you properly and in good faith invoke the fifth amendment of the Constitution. Could I have that testimony just a minute that you read from?

Did you ever live in the city of New York?

Mr. BENET. Yes, sir.

Mr. SCHERER. And would you tell us during what years you lived in the city of New York?

Mr. BENET. I lived there from late in 1935 until late in 1946 with a period out while I was in Spain.

Mr. SCHERER. Now, I don't believe counsel asked you specifically: during the time that you lived in the city of New York were you a member of the Patrick Henry Club?

Mr. BENET. Well, that again is a question on this testimony, I think, sir, and I will decline to answer it on the same grounds.

Mr. SCHERER. On the grounds of the fifth amendment. What type of work were you engaged in during the time you lived in New York?

Mr. BENET. Journalism.

Mr. SCHERER. I believe that is all the questions I have at this moment, Mr. Chairman.

Mr. VELDE. Mr. Doyle.

Mr. DOYLE. Mr. Benet, under this Public Law 601 which our counsel read part of at the beginning of this afternoon's hearing, to which law I have called attention in the last 3 or 4 days on several occasions, I want to direct your attention to 1 section thereof and secure cooperation.

I never met you; I have never read anything about you, so I am deliberately asking you this question in the utmost good faith; I am not trying to trap you nor entice you into making any statement. But part of the law under which we operate tells us to go into questions with relation to possible remedial legislation dealing with the subject of subversive conduct and un-American activities and to make our recommendation to the United States Congress, and we have done that, as was called attention to this morning, and there are several laws now on the statute book wholly or in part the result of the activities of this committee, as a result of investigations such as the one we are now in the process of having.

But you are a schooled gentleman, and I want to ask you if you have any suggestion or idea which your Congress should consider in the subject of legislation dealing even more thoroughly or differently with the subject of subversive conduct in the United States than we presently have on the statute books.

Have you any such suggestion? Have you considered the matter?

Mr. BENET. Yes, sir; I have.

Mr. DOYLE. If you have, I want to get the benefit, whatever it may be. I have no idea what it may be.

Mr. BENET. I don't wish to be flippant with you, Mr. Doyle. I don't mean to give you a smart or cheap answer.

Mr. DOYLE. I haven't been with you, and I don't expect you to be with me.

Mr. BENET. But I must seriously say that, as I indicated in the statement that I handed to counsel—

Mr. DOYLE. I haven't seen that, of course.

Mr. BENET. No. Mr. Scherer has it. Would you like to see it before I continue? Mr. Scherer has it.

Mr. DOYLE. No; whatever statement you made wouldn't make me withdraw my question because I am asking your cooperation in good faith.

Mr. BENET. That is so. In that statement I say that I wish to protect myself in the American way against un-American activities, and by "un-American activities" I mean, of course, the activities of this committee, sir. I think that the committee is injuring every citizen, is an offense against the Constitution, and is, as President Truman called it recently—former President Truman—a cancer.

Mr. DOYLE. Well, now, may I just ask you this—I didn't ask you this question in good faith in order to give you the time or opportunity to make a speech criticizing the committee. I am asking you in good faith, have you any suggestion in the field of legislation?

Mr. BENET. I think the answer flows from what I said.

Mr. DOYLE. I don't expect you to take advantage of my good faith question in making a critical speech against the committee. I don't think that is cricket.

Mr. BENET. Well, I haven't any wish to be offensive. But I think it is clear from what I said that any suggestion that I might make to you about legislation would be legislation to curtail the activities of this committee, which I think would be a legislation against subversion of the Constitution.

Mr. DOYLE. Well, now, do I understand then that you don't think your United States Congress ought to investigate subversive conspiracies wherever they exist in the United States?

Mr. BENET. I certainly don't think that they should do what this committee is doing, and that is to bring people before it in a glare of publicity of people against whom informers have made accusations and in effect to hold a public trial of them without the safeguards which the Constitution gives to the people properly on trial before a court.

Mr. DOYLE. Well, of course—and I won't debate the issue with you here or discuss it with you at great length. We don't have time to do that. But of course this is no court and couldn't be a court in the nature of the thing. We are a factfinding body, and every witness appearing before us always has the right to counsel, and the thing we are trying to find out, as the record clearly speaks, Mr. Benet, in my book—as the record clearly speaks uncontrovertedly—that the Communist Party in America ever since the Duclos letter, which came to this country, I think, in April 1945, has been advocating—maybe not all the members of the Communist Party in America, but the leadership in this country since, at least, April of 1945—the use of force and violence.

Now, that is the reason I am interested in working on this committee, not because we may have difference of thought or controversial subjects, and I am going to close my question because you apparently haven't given the subject matter from that angle the thought that I hoped you might have on the question of subversives, because I know of no way to uncover subversives except to uncover them. They don't hesitate to subvert our Government by keeping underground.

I was in Spain a month ago where you were, by the way, and I was in Portugal where you were probably, and I was in France and Germany and Austria and Norway and Italy, and I found the same underground conspiracy over there that is going on in my country. It is part of the same conspiracy, sir, but I thank you at any rate for your observations.

Mr. VELDE. While you were in Spain were you connected with the Abraham Lincoln Brigade?

Mr. BENET. Yes, sir; I have already said I was.

Mr. DOYLE. May I make one further statement, Mr. Chairman, if you are through?

Mr. VELDE. Yes, proceed.

Mr. DOYLE. I note that you frankly stated and immediately stated that you were not today a member of the Communist Party.

Mr. BENET. That is right.

Mr. DOYLE. I don't know how long you have been out of it. I am not criticizing you for the position you have taken, assuming that you

are sincere—which I will assume, sir—but by inference at least the form of the question and the answer leads me to feel—and I am trying to be reasonable about it, believe me—that there was a time in the last 10 years when you were a member of the Communist Party.

Now, if that is true, won't you please accept our urgent invitation, as your Congressmen, because we are United States Congressmen, and this is no picnic, this kind of a job we have to do, I assure you, but it is a job and a dutiful job to do—but won't you please be at least as active, as I said to a gentleman this morning, against the functioning of the Communist Party in America, which I call a Communist conspiracy, with knowledge and forethought—won't you at least be as active against the Communist conspiracy in this country as I assume you were when and if you were a member of the Communist Party in America.

I urge you to do that because you are in a strategic position, sir, as a journalist and a writer, to apply your brains and your God-given liberty and freedom to help destroy the thing and to put in its place the idealism which should be substituted for it. I don't want to take advantage of you; I don't intend to take advantage of you, but I recognize you as a brainy American who should be giving much to the country.

Mr. BENET. If I may be permitted to answer something that was not quite a question, Mr. Doyle, I hope I will always be ready to uphold and defend the American principles and American rights to freedom. I can give you my word I always will do so.

Mr. DOYLE. Well, you can't stay in the Communist Party and do that, in my book. Thank you very much.

Mr. BENET. Thank you, sir.

Mr. VELDE. Did you hold any rank as a member of the Abraham Lincoln Brigade, Mr. Benet?

Mr. BENET. Well, I was a sergeant, and I was a corporal at different times.

Mr. VELDE. How long were you in the brigade?

Mr. BENET. Well, we are getting into a little difficulty of nomenclature. There was an Abraham Lincoln Battalion in the International Brigades.

I was only in that battalion briefly, but I was in the International Brigades for a year and a half.

Mr. VELDE. All that time you were in Spain, I take it?

Mr. BENET. That is so.

Mr. VELDE. Did you know Steve Nelson?

Mr. BENET. I don't believe I ever met him.

Mr. VELDE. You, of course, have heard of him?

Mr. BENET. I have heard of him, and he was convicted recently in Pennsylvania, I believe.

Mr. VELDE. He was likewise a member of the Abraham Lincoln Brigade. I suppose you know—

Mr. BENET. Well, I suppose that is true. I don't think I ever met him, but it has been so stated many times in the press.

Mr. VELDE. Mr. Counsel, I think it proper at this point to read the citation of the Abraham Lincoln Brigade into the record.

Mr. KUNZIG. The Abraham Lincoln Brigade or Battalion, Mr. Chairman, was cited as Communist by Attorney General Tom Clark

in a letter to the Loyalty Review Board on April 27, 1949; Special Committee on Un-American Activities in 1944, March 29; it was cited as a Communist front by the California Committee on Un-American Activities in 1948; and by the Massachusetts House Committee of Un-American Activities in 1938.

Mr. BENET. Mr. Chairman, the Abraham Lincoln Brigade, of course, ceased to exist after the end of the Spanish War. I don't see how it could have been cited.

Mr. KUNZIG. These are official records of Attorney General Tom Clark.

Mr. VELDE. These are records of the Attorney General.

Mr. BENET. Can you explain them to me?

Mr. SCHERER. It was cited for being a Communist-dominated organization during the time of its existence. No organization is cited unless——

Mr. BENET. About 10 years afterward.

Mr. SCHERER. The first citation was in 1938, I understand.

Did you ever receive any compensation from the Abraham Lincoln Brigade or Battalion?

Mr. BENET. Well, the international brigades were, of course, part of the Spanish Republic's Army, and every soldier in the Spanish Republic Army was paid.

Mr. SCHERER. They paid your transportation home, too?

Mr. BENET. Well, that is a long time ago. As I remember it, I paid a good deal of it myself. I couldn't answer you accurately on that.

Mr. SCHERER. I happen to have an affidavit of yours made in France in which you say that they paid your transportation expenses home.

Mr. BENET. Well, if that is a proper affidavit, it is no doubt correct.

Mr. SCHERER. May I ask just 1 or 2 more questions? Did you know Lee Sabinson?

Mr. BENET. I don't recall that name.

Mr. SCHERER. Did you know Isidor Schneider, the editor and contributor to the New Masses, during the time you were in the——

Mr. BENET. Yes; I think I did meet him on several occasions.

Mr. SCHERER. Did you know William Browder, Earl Browder's brother?

Mr. BENET. I may have met him a long time ago; I really can't recall.

Mr. SCHERER. Now, isn't it a fact that they were all members with you in the Communist Party in New York, in fact, in the same section or cell or club?

Mr. BENET. I think again that is rather tricky when I tell you that I am not able to recall knowing a man and then you ask me if, in fact, I didn't belong in an organization with him.

Mr. SCHERER. You have a right, of course, to decline.

Mr. BENET. Well, you acknowledge, of course, that it is rather tricky.

Mr. SCHERER. No, I don't acknowledge that it is rather tricky. I think the evidence is clear that it is a matter of fact that you were. I am just going to ask you if that isn't the fact. You have a right——

Mr. BENET. Again you are talking about the evidence of that witness whose name, in fact, I don't recall, and I will give you the same

answer that I will decline to discuss that testimony any further under my rights under the fifth amendment.

Mr. SCHERER. I have no further questions, Mr. Chairman.

Mr. VELDE. Is there any reason why the witness should be retained under subpoena?

Mr. KUNZIG. No, sir.

Mr. VELDE. If not, the witness is dismissed.

At this time I should like to read into the record a letter which I have just received dated December 4, 1953, addressed to me as chairman of the Committee on Un-American Activities:

DEAR MR. VELDE: We are writing to you as the spokesman for the Young Democrats of San Francisco, Inc., which organization was incorporated under the laws of the State of California some 20 years ago and is now and has been continuously during said time an integral and active arm of the Democratic Party and a staunch supporter of its leadership.

Our organization has continuously and successfully fought the infiltration of Communists and party-liners into its ranks on a national and statewide level, even at a time when the cause which you are now espousing was far less popular than it is today.

We feel that your committee here in San Francisco is performing a most worthwhile service to all Americans and we wish to commend its temperance, fairness, and sense of fair play.

You and your committee have our full support.

Sincerely yours,

EDWARD LEVIN,

President, Young Democrats of San Francisco, Inc.

ELISA MANFREDI KENNEDY,

Secretary of Young Democrats of San Francisco, Inc., and former national committee woman of Young Democrats of California, Inc.

JOHN N. RIGGS,

Past State President of Young Democrats of California, Inc.

I am sure all of the committee members appreciate this very fine letter.

Proceed, Mr. Counsel.

Mr. KUNZIG. Donald Ames.

Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. AMES. I do.

TESTIMONY OF WILLIAM DONALD AMES

Mr. KUNZIG. Would you state your full name, please, Mr. Ames?

Mr. AMES. William Donald Ames.

Mr. KUNZIG. I note, Mr. Ames, that you are not accompanied by counsel. You understand, of course, your rights before this committee to have counsel sit at your side and advise you during testimony. Do you desire to have counsel?

Mr. AMES. I do not.

Mr. KUNZIG. Would you state your present address, sir?

Mr. AMES. Gig Harbor, Wash.

Mr. KUNZIG. Would you spell that?

Mr. AMES. G-i-g H-a-r-b-o-r.

Mr. KUNZIG. When and where were you born?

Mr. AMES. Burley, Idaho.

Mr. KUNZIG. Have you ever been a member of the Communist Party, Mr. Ames?

Mr. AMES. I have.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. AMES. I am not.

Mr. KUNZIG. Would you relate to the committee, please, Mr. Ames, the circumstances under which you joined the Communist Party?

Mr. AMES. It was in the summer of 1946, during the CIO convention of the telephone workers, that a friend of my wife's came to her that she felt that some of the officials were Communists. My wife had previously worked for the Federal Bureau of Investigation down in San Diego prior to the war. So after that this woman, who was a telephone operator, I believe, she asked my wife what to do. So my wife suggested that she go to the FBI with what she felt, and this woman wanted my wife to go with her, and in doing so, through the course of conversation, why, the Bureau up here in Oakland found out that my wife had worked for the Bureau in San Diego prior to the war, and after the reports being made by this woman to the Bureau the Bureau contacted my wife and me and asked if we would go back into the party and work as undercover agents for them, which we did in the fall of 1946, I believe it was September or October, and we remained in the party until September 1950, when we were dropped from the party rolls for inactivity, and, both of us being in Federal civil service, they felt that we were not a part of the hardened core of the party.

Mr. VELDE. What did you say, Mr. Ames, about the civil service?

Mr. AMES. We were both employed in civil service, Naval Air Station, Alameda, and that they felt we weren't a part of the hard core of the party, which they were weeding out, and, being in civil service, that we weren't as active as they thought we should be.

Mr. VELDE. You don't mean that they were weeding out the hard core of the party; they were weeding out the weaker members.

Mr. AMES. That is right.

Mr. VELDE. The less diligent members of the Communist Party.

Mr. AMES. That is right.

Mr. KUNZIG. Mr. Ames, we are to understand, then, that you were in the Communist Party from 1946 until 1950, working under cover for the Federal Bureau of Investigation; is that correct?

Mr. AMES. That is right.

Mr. KUNZIG. And your wife was doing the same?

Mr. AMES. We were both doing the same work.

Mr. KUNZIG. When you joined the party, Mr. Ames, to what group were you first assigned?

Mr. AMES. We were assigned to the Elmhurst Club, one of the clubs of the east Oakland group.

Mr. KUNZIG. Do you recollect any of the other members of that group who sat with you as members of this Communist club?

Mr. AMES. Well, at the time that we joined I believe Kathleen Dickerson was chairman at that time.

Mr. VELDE. Will you spell that name, please?

Mr. AMES. Kathleen, K-a-t-h-l-e-e-n, Dickerson, D-i-c-k-e-r-s-o-n.

Mr. KUNZIG. Do you recollect her work or employment, if any, or her residence at that time?

Mr. AMES. At that time she was a housewife; and then there was Bill and Rosalie Crockett.

Mr. KUNZIG. Do you know their employment or address?

Mr. AMES. Bill Crockett, he is a gardener, landscape, and they lived on Mountain Boulevard. I don't recall the address. Mr. Counsel, may I refer to some notes?

Mr. KUNZIG. Yes; you may. May I ask you, Mr. Ames, is this the first time that you have testified before any congressional hearings with regard to your activities for the Federal Bureau of Investigation?

Mr. AMES. It is.

Mr. KUNZIG. Are there any other people whom you recollect from this first group to which you were assigned in the Communist Party?

Mr. AMES. Another one is Molly Thorner.

Mr. KUNZIG. Do you know her occupation or address?

Mr. AMES. Oh, she was a housewife.

Mr. KUNZIG. Was she a member of this group?

Mr. AMES. She was a member of the Elmhurst Club.

Mr. KUNZIG. In order to have it specifically clear, we are only interested in names of people whom you knew to be members of the Communist Party. These people whom you have mentioned you knew to be members of the party, is that right?

Mr. AMES. That is right.

Mr. KUNZIG. Are there any others, sir?

Mr. AMES. I was membership director at one time.

Mr. KUNZIG. You were membership director?

Mr. AMES. Of the club, and I issued cards to them.

Mr. KUNZIG. Would you continue, please?

Mr. AMES. Later on a fellow by the name of Williams, an auto mechanic transferred from—

Mr. KUNZIG. Would you spell that, please? What was that name?

Mr. AMES. Bill Williams. He transferred from the Berkeley Club to the Elmhurst Club.

Mr. AMES. And then Rosalind Lindsmith, who was a city health nurse, transferred into the Elmhurst Club.

Mr. VELDE. Will you spell that name, please, Mr. Ames?

Mr. AMES. L-i-n-d-s-m-i-t-h. And Marge and Jake Price. He was—I don't exactly know what his work was—general labor; and Mr. Keller, Marge Price's father.

Mr. KUNZIG. How do you spell "Keller"?

Mr. AMES. K-e-l-l-e-r.

Mr. KUNZIG. Do you know his occupation at all?

Mr. AMES. No, I don't.

Mr. KUNZIG. He was the father, though, of this Marge Price whom you have just mentioned?

Mr. AMES. That is right; and later on, Louise and James Gilliam—

Mr. KUNZIG. Would you spell "Gilliam"?

Mr. AMES. G-i-l-l-i-a-m—was recruited into the club.

Mr. KUNZIG. Do you know the occupation or address or any further identification?

Mr. AMES. James Gilliam, he was a mine smelter worker of east Oakland.

Mr. KUNZIG. Did you report all these various names and information which you garnered to the Federal Bureau during your—

Mr. AMES. It is all on record with the Federal Bureau of Investigation.

Mr. KUNZIG. Would you continue, please?

Mr. AMES. Other people who I knew to be members of the Communist Party, James McFadden, a plumber, who was a membership director of the east Oakland section, Elizabeth Barlow, who was the educational director at one time.

Mr. VELDE. Will you spell that name, please, Mr. Ames?

Mr. AMES. B-a-r-l-o-w. And Willie Laughery, who was manager of the Berkeley book store of the Communist organ, where all the literature was received throughout the east Oakland area.

Mr. KUNZIG. Mr. Ames, could you spell that "Laughery" for us, please?

Mr. AMES. L-a-u-g-h-e-r-y. And Joe Melia, who was IPP campaign director.

Mr. KUNZIG. Is that the same Mr. Melia who testified here before this committee?

Mr. AMES. Yes.

Mr. KUNZIG. You recognize him as the same person?

Mr. AMES. That is right, sir.

Mr. KUNZIG. You knew him to be a member of the Communist Party?

Mr. AMES. That is right, because I attended functionary meetings which were closed to only party members, and he was in attendance, because at functionary meetings, most of them, you had to have a pass or a slip designating you to attend that particular meeting. Nobody except Communist members were allowed to enter it.

Mr. KUNZIG. Are there any other members of this club whom you knew to be members of the Communist Party?

Mr. AMES. I attended quite a number of functionary meetings and educational meetings when I was in many various jobs in the clubs, literature director, educational director, and later on, funds director, and at various meetings that were closed to only Communist members. who were one time Herschel Alexander, who was the director of the Civil Rights Congress in Oakland, was in attendance at a closed meeting in Oakland about, oh, I believe in 1947 in what used to be the old key system union hall. Bimbo Brown was a warehouseman, I believe.

Mr. KUNZIG. Would you spell that, please?

Mr. AMES. B-i-m-b-o B-r-o-w-n was in attendance at several closed meetings of the functionaries at the same place and was working—at that time I was educational director and had been assigned for the Peoples World drive for increased circulation, new subscriptions, and that was a meeting held on 12th Street in Oakland. The principal reason of the meeting was to try and increase the circulation of Peoples World. Leo Baroway—

Mr. KUNZIG. Would you spell that, please?

Mr. AMES. L-e-o B-a-r-o-w-a-y—was chairman of the meeting, and at that time I believe he was one of the associate editors of the Peoples World.

Mr. KUNZIG. You knew him to be a member of the Communist Party?

Mr. AMES. I knew him only by association and in attendance of a closed meeting at which only Communist members were admitted.

Mr. KUNZIG. You and he sat together in a Communist Party meeting at which only Communist Party members could come in?

Mr. AMES. That is right.

Mr. KUNZIG. Let me ask you—we will come back to that in a minute—what capacities did you serve in during your membership?

Mr. AMES. During my membership in the Communist Party I served as educational director, which duties was to attend the various educational meetings of all of the educational directors of the clubs in the east bay and was directed by the State educational director on what grounds or fields to cover in the educational program within the clubs and to procure the literature that could be used in following up the Marxist and Leninist teachings which was to have an educational period at each club meeting. I was also more or less membership and funds director.

At one time I had a position in the party that was the only job that was—that is, the membership director, who collected the dues of the members of the club and kept the records of the funds which was received in the club and in turn turned it over to the county fund director.

Mr. KUNZIG. Mr. Chairman, I think this might be a good point for a brief recess.

Mr. VELDE. At this point the committee will be in recess for 10 minutes.

(Whereupon, at 3 p. m., the hearing was recessed, to reconvene at 3:10 p. m.)

(The hearing reconvened at 3:17 p. m.)

Mr. VELDE. The committee will be in order.

Proceed, Mr. Counsel.

Mr. KUNZIG. What is your present age, Mr. Ames?

Mr. AMES. Thirty-nine.

Mr. KUNZIG. And your present occupation?

Mr. AMES. Aircraft metalsmith in McChord Field in Washington; that is near Tacoma.

Mr. KUNZIG. Have you ever been in the military service, Mr. Ames?

Mr. AMES. Yes; I was in the United States Navy from 1934 until January 1941, whereupon, a short time after leaving the service I went to work in civil service, first for the Army Air Forces, and then transferring to the Navy at the airbase in Alameda, where I worked until after the war, and I believe it was in October of 1945 when I resigned.

I bought a service station, operated the service station for approximately 2½ years. After selling the service station I went back into civil service at the naval air station in Alameda and worked until September or August of 1951 and transferred to McChord Air Force Base near Tacoma, Wash., where I am currently employed now.

Mr. KUNZIG. Mr. Ames, before the break you were testifying concerning the positions in which you served as a member of the Communist Party, the capacities that you had. Would you continue those various positions, please?

Mr. AMES. I believe at the time of the break I was an educational director, which was my job to procure the literature and the various writings that were designated by the State and county educational board to be used within the clubs for the purpose of teaching the Marxist and Lenin lines and also to hold what they called Marxist reading classes.

I believe it was 1948 that the various clubs were broken up into what they called squads of 3 to 5 members each, and we were instructed

to hold a reading class on the Marxist and Leninist teachings of 1 night a week, which was in some groups pretty well followed.

My wife, Peggy, was the squad leader of one of the groups from the Elmhurst Club in Oakland, East Oakland, and we held these Marxist readings once a week at various points, homes of the members of the Communist Party, members' homes. We would have these reading classes at first one member's home, and then the next week we would have these reading classes at another member's home, so that it was our instructions that we were not to hold any of them consistently in any one party member's home for security reasons.

Mr. KUNZIG. What were the concentration points of the activities of the party, so far as it lies within your knowledge during the time that you were a member?

Mr. AMES. The concentration points that we were assigned were the General Motor Chevrolet plant in East Oakland, and the—I forget now the name of the steel company in East Oakland. That was another one of the concentration points, to integrate as many of the steelworkers, the mine and smelter union, as possible into membership of the party, and also there were two canneries out in East Oakland which were part of our concentration points for the Elmhurst Club.

Mr. KUNZIG. You were trying to recruit members from the cannery workers?

Mr. AMES. That is right.

Mr. KUNZIG. Are there any other unions or groups which were concentrating points from which you were trying to get members?

Mr. AMES. No, but it was within the structure of the party to work on any group that it was possible to integrate and get them to join the Communist Party.

Mr. KUNZIG. But what you have mentioned are the groups that you, personally, worked with?

Mr. AMES. That is right.

Mr. KUNZIG. Now, you stated that you were in the party from 1946 to 1950. Did you stay in any way within the fringe of the party beyond that time?

Mr. AMES. Yes. In 1950, after we dropped from the party rolls, why my wife and I—Peggy—worked with several of the groups of East Oakland from Elmhurst Club that were concentrating on neighborhood problems that they tried to bring to integrate into—one of them was the housing project down on East 14th Street. I have forgotten the name of the housing project. It was near 73d Avenue, and they were constantly going to the housing authorities and demanding that there was a discrimination in this housing project because at that time I don't believe there were any Negro people living in this housing project, and they were attempting to force the housing project to move other people out and allow a certain number of Negro families in this project.

Mr. KUNZIG. During the time that you were active in the party did you have any experience with the Independent Progressive Party?

Mr. AMES. Yes, I acted as a register in the city of Oakland within the district in which I lived for the Independent Progressive Party. I went out and sought donations. I helped organize various concentration areas that were assigned to the Elmhurst Club that we were to cover for registration, and to get as many people as we contacted as

possible to change their voting registrations to the Independent Progressive Party.

Mr. KUNZIG. Were you doing this as a member of the Communist Party?

Mr. AMES. I was.

Mr. KUNZIG. Why was that?

Mr. AMES. Well, the Communist Party jumped in on the third party's back and was using it as a front to seek as many political offices as possible in the various—around by the Government as possible and was using the Independent Progressive Party for that purpose. They were using it as their immediate front to infiltrate into the Government of the United States.

Mr. KUNZIG. Mr. Ames, you had mentioned previously the names of some of the people whom you knew to be members of the Communist Party during the time you were a member working for the Federal Bureau of Investigation. Would you now please continue that group of names and give us as many of the names of the people whom you can identify whom you knew to be members of the Communist Party? We are just interested in those whom you knew to be members of the party.

Mr. AMES. I will go from where I left off before the recess. Miss Ruth¹ Black, Robert Black, husband and wife. I knew them to be members of the Communist Party from previous closed meetings of the Communist Party. There was one session that was held at Norway Hall which was a section of the educational forum. Wesley Bodkin; I attended a closed meeting of the Communist Party at aforementioned hall on East 12th Street during the IPP campaign in 1947, where he gave a speech of how important it was to the warehousemen that we worked and concentrated on the petition to get the IPP party accepted as a political party prior to the elections in 1948.

Mr. KUNZIG. What was this man's name again?

Mr. AMES. Wesley Bodkin, B-o-d-k-i-n.

Mr. KUNZIG. Do you know his activity or work or employment?

Mr. AMES. He was a warehouseman.

Mr. KUNZIG. Any other names?

Mr. AMES. And Bill Clifford.

Mr. KUNZIG. What was his occupation, if you know?

Mr. AMES. I believe, as I remember, I believe he was in the building trades, a plasterer or a bricklayer.

Mr. KUNZIG. You knew him to be a member of the Communist Party?

Mr. AMES. I did. He was in attendance at that same meeting that I mentioned as Wesley Bodkin, and also in attendance at that meeting there was George Edwards, who was, I believe, at that time one of the functionaries of the West Oakland Club, and Ray Thompson, who was one of the security functionaries.

Mr. KUNZIG. For the party?

Mr. AMES. For the party.

Mr. KUNZIG. Do you know his occupation in any way?

Mr. AMES. No; I don't; and also in attendance at that meeting was Wayne Hultgren and his wife, Ruth Hultgren.

Mr. KUNZIG. Is that H-u-l-t-g-r-e-n?

¹ Investigation has determined the correct name as being Gladys Black.

Mr. AMES. That is right.

Mr. KUNZIG. Do you know Mr. Hultgren's occupation or hers, if any?

Mr. AMES. I believe he is a carpenter, and as far as I know, Ruth is a housewife.

Mr. KUNZIG. Any others?

Mr. AMES. Then there was Bernice Kalman and Ted Kalman.

Mr. KUNZIG. That is K-a-l-m-a-n?

Mr. AMES. Correct.

Mr. KUNZIG. Do you know their occupations?

Mr. AMES. No, I don't. At one time Bernice Kalman was, I believe, a secretary or something in the office of the People's World in Oakland.

Mr. KUNZIG. You knew all these people during the period to time you were a member from 1946 to 1950?

Mr. AMES. That is right. In addition there was Lloyd and Fanny Lehman.

Mr. KUNZIG. L-e-h-m-a-n?

Mr. AMES. Yes, sir; who were also present at closed meetings.

Mr. KUNZIG. Do you know any addresses or occupations for them?

Mr. AMES. Lloyd Lehman, I believe, is a carpenter. As far as I know, the only work that his wife, Fanny, did was functionary work in the party. I believe at one time she was educational director for one of the clubs, I believe the Encinal Club, in Alameda.

Mr. KUNZIG. Any other names, sir?

Mr. AMES. Later on, after this meeting that I have mentioned, I knew Buddy Green—I believe his first name was Walter. He was, I believe, in 1949, People's World county director.

Mr. KUNZIG. You knew him to be a member of the Communist Party?

Mr. AMES. I did. He sat in a closed meeting of the Communist Party and was director for the People's World, and gave a talk on the importance of getting the subscriptions of the People's World increased so that the working people in the east bay area would know the various things that took place, which the party used as a labor movement and used the People's World as its main organ of publication throughout the bay area.

Mr. KUNZIG. Are there any other people whom you knew to be members of the party?

Mr. AMES. Yes; there was Bob Neville.

Mr. KUNZIG. N-e-v-i-l-l-e?

Mr. AMES. Correct.

Mr. KUNZIG. Do you know his occupation or address, sir?

Mr. AMES. I believe he was a warehouseman. I do not know his address.

Mr. KUNZIG. Continue.

Mr. AMES. There was Luther Morris.

Mr. KUNZIG. How did you know Luther Morris?

Mr. AMES. He was a member of the Elmhurst Club at one time, and I believe he transferred to one of the union clubs. I believe it was one of the electrical workers' clubs. He ran on the IPP ticket in the elections of 1948 for the office of—I believe it was State representative of the Sixth Congressional District.

Mr. KUNZIG. You knew him to be a member of the party even though he was running on the Independent Progressive Party ticket?

Mr. AMES. I did.

Mr. KUNZIG. You knew he was a member of the Communist Party?

Mr. AMES. I did.

Mr. KUNZIG. Continue.

Mr. AMES. I believe at one time, if I remember correctly, I believe I delivered his membership card to him.

Mr. KUNZIG. Are there any others?

Mr. AMES. Loretta Starvis.

Mr. KUNZIG. Could you spell that?

Mr. AMES. S-t-a-r-v-i-s, who was one of the State functionaries, attended a meeting held in the honor of William Schneiderman, who was the State party director, which was held in the Norway Hall on Piedmont Street in Piedmont. She gave an educational talk on Marxism and Leninism. There was Bill Lowe.

Mr. KUNZIG. How do you spell that?

Mr. AMES. L-o-w-e, whom I met at a functionaries' meeting held at Nat and Ann Yanish's home on Waterhouse Road in Oakland, I believe in the summer of 1947, and at that time I believe he was one of the directors or one of the functionaries of the Young Communist League.

Mr. KUNZIG. This is Lowe you are speaking of?

Mr. AMES. Yes.

Mr. KUNZIG. You knew both the Yanishes and Lowe to be members of the Communist Party?

Mr. AMES. I did. Edith Sharpe.

Mr. KUNZIG. Spell it, please.

Mr. AMES. S-h-a-r-p-e. She was a member of, I believe, the Anita Whitney Club, and she also had attended various closed meetings of the Communist Party. I believe she at one time was an educational director, same as myself, for the Anita Whitney Club. There was Leila Thompson.

Mr. KUNZIG. Did you know her occupation or address?

Mr. AMES. I don't know her address, but I believe, if my memory serves me correct, she ran for one of the elections, I believe it was in 1948, for the school board in Berkeley.

Mr. KUNZIG. Are there any other people whom you knew to be members of the Communist Party?

Mr. AMES. There were Clarence and Florence Tobey.

Mr. KUNZIG. Were they husband and wife?

Mr. AMES. Husband and wife.

Mr. KUNZIG. Did you know his occupation?

Mr. AMES. No, I didn't.

Mr. KUNZIG. But you knew both of them to be members of the party?

Mr. AMES. I did. I attended meetings on the expulsion of Florence and Clarence Tobey, one of which was held at the co-op hall on McArthur Boulevard in Oakland, at approximately 35th Street. I believe it was the fall, the late fall or early spring—it was either late fall of 1946 or the early spring of 1947—and I also attended another meeting held on the expulsion of Florence and Clarence Tobey where nobody except Communist Party members were allowed.

Mr. KUNZIG. Are there any other members you knew?

Mr. AMES. In attendance of these two meetings on the expulsion of Clarence and Florence Tobey there was Gertrude Warwick, Billie and Saul Wachter, previously named, Lloyd Lehman. I believe Lloyd Lehman conducted the meetings of the expulsion. James McFadden, previously named, and other party members who I knew; James and Ida Wood at whose home there was a functionaries' meeting held in the fall of 1949, and there were in attendance at that meeting a Lee Coe—

Mr. KUNZIG. L-e-e C-o-e?

Mr. AMES. Yes, sir.

Mr. KUNZIG. Do you know his occupation?

Mr. AMES. No, I don't. Dave Blodgett.

Mr. KUNZIG. That is the Mr. Blodgett who testified here yesterday?

Mr. AMES. Yes, sir. Carl Hanson.

Mr. KUNZIG. Do you know his occupation or address, any other identification?

Mr. AMES. No, I have forgotten what his occupation was. There was Frances Capelle, previously named, at functionaries' meetings at the Woods home was also Ruth¹ and Bob Black; previously named. Buddy Green.

Mr. KUNZIG. Are there any names that you know definitely, people whom you knew to be members of the Communist Party, whom you have not yet named this afternoon?

Mr. AMES. No; I believe that is all.

Mr. KUNZIG. You testified you left the party in 1950, remained on the fringe until about 1951. Were you reporting to the FBI until 1951?

Mr. AMES. We were.

Mr. KUNZIG. Did your wife ever testify at any time?

Mr. AMES. Yes, my wife testified at the trials of the California commies in Los Angeles. I believe it was April of 1952.

Mr. KUNZIG. Are there any further questions, Mr. Chairman and members of the committee?

Mr. VELDE. Mr. Scherer, do you have a question?

Mr. SCHERER. No.

Mr. VELDE. Mr. Doyle?

Mr. DOYLE. Yes, I have a couple. You said, and I made note of it—it may not be an exact quote, but it is pretty close—"we were instructed to not hold meetings in any one home for security reasons."

Mr. AMES. That is right.

Mr. DOYLE. Why would the Communists attending those meetings be afraid of being discovered? What would they be afraid of? What were they doing that was wrong in their judgment?

Mr. AMES. That was at the time that the Communist Party was declared a subversive activity. That was when they broke up the clubs; they held one club meeting a month. Previous to that they had held them on the average of about twice a month and in large groups. The squad leaders, as they were assigned, they would hold the more or less small meetings and have the Marxist readings, classes, and then the squad leaders would meet once a month with the chairmen and the other functionaries of the club.

¹ Investigation has determined the correct name as being Gladys Black.

Mr. DOYLE. May I interrupt to ask you this question then: About when was this that they were declared to be subversive? I mean the Communist Party?

Mr. AMES. I believe that was in 1948.

Mr. DOYLE. What declaration was that to which you refer that they were subversive?

Mr. AMES. That was published, I believe—at that time I believe it was Attorney McGrath, in August.

Mr. DOYLE. Then as I understand, your testimony is that after this declaration by United States Government Department of Justice, if that is it, at that particular time, that the Communist Party in the United States was subversive, in its judgment, these people whom you have named, with some others that you haven't named, began holding secret meetings in order that their manipulations might not be discovered?

Mr. AMES. That is right.

Mr. DOYLE. So am I to understand then, as far as you know, every person who attended these meetings did so secretly and covertly and with knowledge before they arrived there that they should hold them in a secret manner?

Mr. AMES. That is correct.

Mr. DOYLE. For fear of being discovered to be in violation of law of the United States?

Mr. AMES. Yes.

Mr. DOYLE. Didn't you ever have a feeling that they were wise, some of them, to the fact that you were an undercover man, you and your wife were, of the FBI?

Mr. AMES. No.

Mr. DOYLE. They weren't that wise. They never discovered you as far as you know?

Mr. AMES. No.

Mr. DOYLE. You stated that they felt that you and your wife were not part of a hard core. I remember our committee chairman raised that point in a different way. What do you mean by the "hard core"? Why weren't you considered as members of the hard core? You had been membership chairman, issued cards in the party. How much harder could you get? What is the difference between a hard core and whatever other core there is in the party?

Mr. AMES. They felt that we were shielding behind our civil-service jobs.

Mr. DOYLE. You mentioned the Berkeley book store being a distribution point for the Communist Party literature of the east bay area. In other words, do I understand from that that they carried a pretty good supply of Communist literature and books and pamphlets, made efforts to sell them and distribute them?

Mr. AMES. That is correct.

Mr. DOYLE. You got your supply of such subversive literature from that store?

Mr. AMES. Yes.

Mr. DOYLE. Was that store run by the Communist Party?

Mr. AMES. It was.

Mr. DOYLE. Are you sure of that?

Mr. AMES. Yes.

Mr. DOYLE. How far from the University of California was that Berkeley book store location, the Communist book store?

Mr. AMES. I don't rightly know.

Mr. DOYLE. Approximately?

Mr. AMES. I know it is on Van Croft Way. I have forgotten what the exact address is.

Mr. DOYLE. Do I understand the manipulations of the Communist Party in the east bay area was that they had that as the literature distribution point and center?

Mr. AMES. That is correct.

Mr. DOYLE. To which you functionaries in the Communist Party went for your supplies?

Mr. AMES. That is correct.

Mr. DOYLE. Another question: I am interested in the IPP party as you described it. You said it was the first front of the Communist Party.

Mr. AMES. I said the Communist Party was using it as their front.

Mr. DOYLE. As their front. Well, in your judgment as a Communist Party functionary at that time during those years in 1948 election and in Alameda County, at least, was the Communist Party in control of the IPP party at all, either in whole or in part?

Mr. AMES. That I couldn't say.

Mr. DOYLE. Your knowledge didn't go that far?

Mr. AMES. No.

Mr. DOYLE. But you know they did put up Communists for election to certain public offices; one, for instance, to Congress in the Sixth Congressional District, an avowed Communist, camouflaged as an IPP candidate, is that correct?

Mr. AMES. That is right.

Mr. DOYLE. I think I know that they did that in other congressional districts in California, too. I think I have an idea that they are still doing it.

One more question, Mr. Chairman.

I have never met you in my life nor read anything about you, but I want to ask you briefly the same question I asked the other witness just before you. I have no idea what your answer may be. He claimed his constitutional privilege, and of course whenever a man claims it in conscience and good faith, we can't criticize him for it, but you haven't claimed your constitutional privilege. Now, may I ask you under this law under which we are directed to operate as Members of the Congress, part of our obligation is to inquire into facts which may help us to recommend any necessary remedial legislation as regards subversive conduct in the United States, whether it comes from a foreign country or our own land.

Have you any suggestion to this committee of any field of legislation in addition to what is now existing already?

Mr. AMES. No, I don't.

Mr. DOYLE. Well, let me ask you this question, if you have an opinion, and because you ask the question I don't want you to give an answer if you have never thought it through to where you feel comfortable in answering it: What is your thought about undertaking to outlaw the Communist Party as a conspiratorial aggregation?

(No response from the witness.)

Mr. DOYLE. Well, now, as I stated, if you really haven't thought it through, I don't want to urge you to answer it because it is a difficult question. You know, for instance, that J. Edgar Hoover says "No." If you don't know that, I want you to know that that is his public statement. Have you any suggestion on it, or would you rather not answer it?

Mr. AMES. I would rather not answer it.

Mr. DOYLE. Very well.

Mr. KUNZIG. Mr. Chairman, I want to make sure the record is clear that this witness was a Communist by direction of the Government and worked for the Federal Bureau of Investigation. I want to be sure that is clear.

Mr. VELDE. Certainly. I would just like to ask one question, if you have any opinion or if you can estimate the number of active Communist Party members in the east bay area in the year 1951.

Mr. AMES. The nearest association I had with them from the fringe, I would estimate to my knowledge about 150.

Mr. VELDE. Mr. Ames, the committee certainly thanks you for the patriotic work which you have done, both as an undercover agent for the FBI and for coming here to be a witness before this committee and giving us the valuable information which you have, which certainly should help us in considering and passing remedial legislation to handle the problem of the Soviet conspiracy. With the thanks of the committee—

Mr. KUNZIG. Mr. Chairman, we should like to keep this witness under subpoena for the present.

Mr. VELDE. The witness will be kept under subpoena at the present time until further notified. You are dismissed at this time with the committee's thanks.

Mr. KUNZIG. Mr. Charles Duarte.

Mr. VELDE. In the testimony you are about to give before this subcommittee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUARTE. I do.

TESTIMONY OF CHARLES ALFRED DUARTE, ACCOMPANIED BY HIS COUNSEL, RICHARD GLADSTEIN

Mr. KUNZIG. Would you please state your full name for the record?

Mr. DUARTE. Charles Alfred Duarte.

Mr. KUNZIG. Would you spell it for the stenographer?

Mr. DUARTE. D-u-a-r-t-e.

Mr. KUNZIG. Would counsel please state his name and office address for the record?

Mr. GLADSTEIN. My name is Richard Gladstein, 240 Montgomery, San Francisco.

Mr. KUNZIG. Mr. Duarte, when and where were you born?

Mr. DUARTE. Oakland, Calif., August 26, 1912.

Mr. KUNZIG. Your present address is what?

Mr. DUARTE. 1005 102d Avenue, Oakland.

Mr. KUNZIG. Where are you employed, sir?

Mr. DUARTE. The committee knows where I am employed, Mr. Counsel. The committee subpoenaed me as "You are hereby commanded to"—

Mr. KUNZIG. Your answer——

Mr. DUARTE. Charles Duarte, president, Local 6, ILWU.

Mr. KUNZIG. Then your answer is that you are president of Local 6, ILWU, is that correct?

Mr. DUARTE. And was subpoenaed as such, and the committee knows it.

Mr. KUNZIG. We want to get it on the record.

Mr. DUARTE. The committee was correct, and I was subpoenaed.

Mr. KUNZIG. All right. Mr. Duarte, there was testimony before this committee by Mr. Rosser a few days ago as follows——

(At this point Mr. Duarte conferred with Mr. Gladstein.)

Mr. KUNZIG. Mr. Rosser said:

There is a person that I worked with in the warehouseman's union by the name of Duarte who came down to L. A.

QUESTION. Will you spell the name, please?

Mr. SCHIERER. Just a minute. Mr. Counsel, the witness can't hear what you are saying. He is listening to his counsel.

Mr. VELDE. Does the witness want to advise with his counsel?

(At this point Mr. Duarte conferred with Mr. Gladstein.)

Mr. DUARTE. I am sorry.

Mr. KUNZIG (continuing to read:)

QUESTION. Will you spell the name, please?

ANSWER. I think it is D-u-a-r-t-e. I worked with him; I know him as a member of the Communist Party. I have been in meetings with him.

QUESTION. Do you know his first name?

ANSWER. I have forgotten his first name.

QUESTION. Can you identify him more specifically?

ANSWER. Well, he was an organizer when I met him for the International Warehousemen's Union, and he later became one of the top leaders of the warehousemen's union. I don't know what he is doing now.

QUESTION. Do you know what nickname he was known by?

ANSWER. I think it is "Chili"; I don't know, I have forgotten.

QUESTION. What was the date upon which you became acquainted with him and knew him to be a member of the Communist Party?

ANSWER. It was in 1943; 1943 and then in 1944.

QUESTION. Do you know where he resided?

ANSWER. I don't know whether he resided in Frisco or Oakland.

QUESTION. Can you give any further identifying information regarding him?

ANSWER. Well, I was introduced to him by one of the wheelhorses of the Communist Party in the warehousemen's union named Dawson; I can't think of his first name, but he was one of the beginners of the Communist fraction of the warehousemen's union, and he is the one who introduced me to him.

Let me ask, Mr. Duarte, are you known in addition to Charles Duarte by the name of Chili?

(At this point Mr. Duarte conferred with Mr. Gladstein.)

Mr. DUARTE. Yes.

Mr. KUNZIG. Are you the Charles "Chili" Duarte mentioned in the testimony by Mr. Rosser?

(At this point Mr. Duarte conferred with Mr. Gladstein.)

Mr. DUARTE. Mr. Chairman, there are a lot of people named Rosser. Are you referring to the Rosser who has a police record in Los Angeles?

Mr. KUNZIG. I am referring, Mr. Duarte, to the Rosser who testified here——

Mr. DUARTE. I am trying to identify—you asked me, Mr. Counsel. I am asking you if this is the Mr. Rosser who has a long police record in Los Angeles. Is this the Rosser you referred to?

Mr. KUNZIG. I am referring to the Mr. Rosser who testified here a few days ago. I believe you know the testimony.

(At this point Mr. Duarte conferred with Mr. Gladstein.)

Mr. SCHERER. Mr. Chairman, I think again we should caution counsel. A number of counsel have been doing it repeatedly, putting into the witness' mouth the answer that he should give. The job of the counsel in this case is to advise the witness as to his legal rights and not to testify for him.

Mr. VELDE. The suggestion is certainly well taken.

Mr. SCHERER. And it would be well for the bar association of this county to check into the conduct of some of the counsel who have appeared before this committee during the last 4 days.

Mr. DUARTE. Mr. Chairman, I would like to answer, if I might. Mr. Congressman—I don't know your name.

Mr. SCHERER. Scherer from Ohio.

Mr. DUARTE. Thank you.

Mr. VELDE. I would suggest to the committee counsel that the question be withdrawn, and I would like to ask this question: Is the testimony which has just been read inaccurate in any respect?

(At this point Mr. Duarte conferred with Mr. Gladstein.)

Mr. DUARTE. Well, this could have to be broken down, Mr. Chairman. I want to go back to what the Congressman said. I thought I was entitled to counsel here. I want to know—

Mr. VELDE. Let us break it down this way: Have you ever been a member of the Communist Party?

(At this point Mr. Duarte conferred with Mr. Gladstein.)

Mr. DUARTE. Mr. Chairman, since you are not allowing me to answer questions, I respectfully—let me preface it. I want to state that as an American that I recognize that this committee is a duly authorized committee of the House of Representatives and has certain powers and duties, and I respect those powers and duties, but this committee should recognize that as an American I have certain rights and privileges.

Mr. VELDE. The committee certainly does recognize that.

Mr. DUARTE. Based on those rights and privileges I respectfully decline to answer that question. I want to tell you my reasons why, based on the fifth amendment. After seeing what can be done to a man—and I pick one specifically, Robert Condon, a Congressman—I am not going to run the risk—

Mr. VELDE. That is not a subject matter before you. There is no question pending about him. The question was about you and your past conduct. You have refused to answer that question on the basis of the fifth amendment.

Now, may I ask you, are you presently a member of the Communist Party?

Mr. DUARTE. Same answer, same grounds, but I want to make clear, Mr. Chairman—

Mr. VELDE. Is there any reason why this witness should further be retained?

Mr. KUNZIG. No, sir, no further questions.

Mr. DUARTE. Just a minute.

Mr. VELDE. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. DUARTE. I thought that the Congressman made the statement that if you answered the question, took the fifth amendment in good faith, you would get some courtesy here.

Mr. VELDE. The witness is dismissed, and I would hesitate to have you removed, Mr. Witness.

(At this point Mr. Duarte conferred with Mr. Gladstein.)

Mr. KUNZIG. I have no further witnesses today, Mr. Chairman.

Mr. GLADSTEIN. Mr. Chairman, when you say "dismissed," do you mean he is excused?

Mr. VELDE. Excused.

Mr. KUNZIG. I have no further witnesses.

Mr. DUARTE. What do I do with the second subpoena? I have been subpoenaed twice, Mr. Counsel.

Mr. KUNZIG. No further witnesses, Mr. Chairman.

Mr. VELDE. The witness has been excused.

Mr. DUARTE. I just asked, Mr. Chairman, because I was subpoenaed twice. I thought I was going to come back on the next one. I have two subpoenas.

Mr. SCHERER. I move we adjourn.

Mr. VELDE. At this time the committee will stand in adjournment until 9:30 tomorrow morning.

(Whereupon, at 4:10 p. m., the hearing was recessed, until 9:30 a. m., Saturday, December 5, 1953.)

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